Case Number

88-1826

Supreme Court, U.S.
FILED
MAY 11 1989
JOSEPH F. SPANIOL, JR.
CLERK

IN THE

United States SUPREME Court

SPRING TERM 1989

PETITION FOR WRIT OF CERTIORARI

JOHN G. BARROW JR.
Plaintiff - Appellant - Petitioner
vs.
KING AND HERBERT HANCOCK et. al.
Defendant - Appellee - Respondant

ON WRIT OF CERTIORARI FROM THE U.S. COURT OF APPEALS, ELEVENTH CIRCUIT ATLANTA, GEORGIA

John G. Barrow Jr.
A Layman without legal education
Rt. 1 Box 470
Callahan, Florida 32011
(904) 845-2475

PREFACE

Irrespective of any facts, or issues or Magistrate's fraudulent allegations the paramount questions that Years and Burns for an answer are:

1. On what date was there a Meaningful Notice of Hearing on any one of the issues ?

2) On what date was the jury selected and what is their names ?

3. With all persons being entitled to "A Day In Court" why is it that in twenty (20) actions filed this Petitioner has not had one day in Court, or any adjudication of any one issue in any one of twenty cases.

HUMAN RIGHTS

Why should the Russins Embassy not be shown the most technical aspect of the Constitutional rights afforded John G Barrow?

Should anyone have even to a Twinge of mis-understanding,that person should Neal Down and Pray to God Almighty for Wisdom to understand how;

ONE HUNDRED THIRTY TWO THOUSAND, THREE HUNDRED EIGHTY THREE DOLLARS, OF CRUEL AND UNJUST SANCTIONS,AS A CURSE BEING INFLICTED UPON THIS PETITIONER, as a reward for a Good Faith effort to obtain " Redress of Grievances" can be the American Way ?

WOULD YOU LIKE TO KNOW
WHO THE JUDGMENTS ARE FOR ?

JUDGE JAMES HARRISON
JUDGE HENRY F MARTIN
JUDGE KENNETY E COOKSEY
JUDGE GOLDBERG
JUDGE LAWRENCE PAGE HADDOCK
JUDGE VERNON DOUGLAS
JUDGE LYNN C HIGBY
JUDGE WILLIAM STAFFORD
(JUDGE HANDLING) WAHL
JUDGE BEN C WILLIS
AND OTHERS

CHAPTER (a) QUESTIONS PRESENTED TO BE REVIEWED

1) The very first question of Greatest interest to not only all of the interested Persons, but of the whole wide word is; Whether or not: This Supreme Court of these United States will take supervisory Control thereby providing for a Meet and Proper relief to this Petitioner or will this Court deny this "Petition for Writ of Certiorari" thereby affirming, approving and sanctioning the Wheel Within A Wheel's corruption in the United States District Court and the 11th Circuit Court of Appeals?

2) Will the twenty (20) VOID DECISIONS not only be (20) AFFIRMED VOID DECISIONS, but also twenty (20) AFFIRMED VOID DECISIONS SANCTIONED BY THE SUPREME COURT of these United States of America ?

3) Will this United States Supreme Court

determine the contents of the Judge's Response referred to in (Judge Handling) Wahl's Affidavit dated April 29th? See; Appendix Chapter W Page (w-17).

4) Will this United States Court Mandate the details of each of the Following:

a) Handling of the Magistrate? Chapter W of Appendix w-5.),w-9.), w-16.)

b) Handling of the Clerk of the Federal Court? Chapter W of Appendix most every page.

c) Just exactly what was the " Advise from Court of Appeals as to Barrow's Appeal" and just how was this matter HANDLED with the Magistrate's office ? Chapter W-23) of the Appendix

d) Just how was the Eleventh Circuit Handled February 3, 1986 for One Hour and more ? See Chapter w-21) of the Appendix.

5) Whether the Court of First Instance and the (Judge Handling) Wahl's co-horts , Federal Judge Tjoflat and Federal Judge Hatchett intent was to administer Procedural Due

Process of law appropriate to the occasion or if the Magistrate's Gospel ;

Defendants " Counsel obtained results sought; dismissal of the case prior to trial, and relief from the embarrassment to Counsel of the Defendants in collusion with the Central Figures in the Federal Court, was in fact the True Intentions of this filthy conspiracy ?

6) Why, is this not a Classic R.I.C.O Gangland Scheme ?

7) Who were the Parties involved in the " Handling with co-counsel and Wahl " dated Jaunary 29, 1985 ? See Chapter (W) Page w-26) and Page w-27 Telephone Conference with Wahl in what Collusion ?

8) Another aspect of Judge Handling) Wahl's Affidavit of disclosure of the co-counsel is on Page w-15 " including May 9, 1985 Notice of Appeal to 11th Circuit and letter (to who) 1.2 hrs, letter to Clerk and Handling (what dollar amount) and allocation

of time for hearing and report 2.0 hrs ?

QUESTION: Who was at said hearing (behind the black curtain) and what was the deal ? This Petitioner has had no Notice of any Hearing on any of the issues.

Check the Docket sheet !

9) On Page w-24 Mr (Judge Hnadling) Wahl Boasts about Handling with the Clerk of Court of Appeals.

10) On Page w-3 of the Appendix Wahl Boasts about " Judge Melton Howell handling and letter.

QUESTION: What was the dollar amount ?

11) "Telephone conference with Wahl" time after time Chapter w-27 .

"Telephone conference with co-defendants" Counsel and letter to Wahl w-28.

Was this conspiracy ?

These are the Questions needing Judicial attention at this point and time.

b) * * CERTIFICATE OF INTERESTED PERSONS

Emory King
Geofrey Dobson
James Harrison
Richard Weinberg
Edward Kelly
Richard King
Stephen Durant
Hancock/Oglethrope
Hudiberg
Charles Pickett
Gene Blackweilder
John Claxton
Joanne Kirkland
Wade Sparkmen
David Page Jr
John Miller
Joseph Balkcom
Ben C Higby
William Stafford
Morris Communications
Michael Conway
David Evans
Paul Levy
Gary Williams
Jann Ferrell
George Krahdelt
Bruce Barkett
John Lawlow III
Jim McLauhlin
Rauson Haverty
St Johns County
William Townsend
A.G. Nichols III
Lois Partin
Francis O'Loughlin
Barbara Sieberts
Jason Vail

b-2.)

b) * * CERTIFICATE OF INTERESTED PERSONS

Hazle Jones
Douglas Jones
David Conn
Michael Woodleif
Leo Foster
T.B. Bird
Chester Hamilton Estate
Kenneth Cooksey
Eleanor B Hawkins
Mammie V Capps
L. Page Haddock
Henry F Martin
Irene Scott
Willie Fortenberry
WM. R. MCCants
Thomas D MacNamara
Charles Pellicer
Winifred Hill
Greogary A Presnell
Robert Merkle
Dorothea Beene
Marka Lancaster
Hillary Burdent
Donald Cinnomond
Marshall Wood
Linda Hurst
Dennis Hollingsworth
Michael Millhorne
Haverty Furniture Co.
Ronald Palmer
Frank Upchurch
Florida Power & Light Co.
American Telephone & Tellgraph
James Sisco
Jack Shaw
Harris Brown
Joseph Lewis
Gayle Swedmakk
Jack Gibney

b) * * CERTIFICATE OF INTERESTED PERSONS

John Moore
W.T. Hodges
Harvey Schlesinger
Susan Black
Magistrate Snider
Charles Hood
Ed Brooks
Bullock & Childs
Michael Mullin
Marlin Feagle
Harold Wahl
Carl Markel
Jim Bishop
D.A.C. Corp
William Rose
Gary Allen
F.H.S.
James Peters
Jim Smith
Robert Butterworth
Dolvin Foreman
Clay Coward
Jann Johnson
Robert Smith
Marie Smith
Martin, Ade, Birthfield & Johnson
Akerman, Senterfitt & Edson
Henry C Adams
Scott Conley
Lawrence C Rolfe
Ronald MacComber

James Higginbotham
James Testone

Tom Brannan
Jim Higginbotham

b-4.)

b) * * CERTIFICATE OF INTERESTED PERSONS

Harold Wayne (On State payroll)
Internal Revenue Service
Vernon Douglas (On State Payroll)
Eugene Christain
Eddie Anderson
William Hailey
Mike Noone
St Petersburg Times
Scott Livingston
Southern Bell- Michael Millhorne
T.J. Grreson (on State payroll)
James Page (On State payroll)
Tampa Tribune
News Leader
Orlando Sential
Roosevelt Baker
Nassau County Record
Laura Cook
Ernie Mastronni
Jack Reed
Gammett Channel 12 WTLV
H. Ray Walker (On State payroll)
Florida Times Union
John T Wilkins
Bob Zankle
Douglas Pate.

This Orator would love to remove most of the name from the above list however this would leave the Certificate of interested parties incomplete and short of being truthful with this Honorable Supreme Court.

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Motion For Leave To File A Petition For Writ of Certiorari By Person Appearing pro se

CITATIONS OF AUTHORITY
ALPHABETICALLY ARRANGES

	PAGE
Article III Sec 2	e-1)
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Arstrong v Manzo 380 US 545 552 85 S Ct 1187 1191 14 L Ed 2d 62 (1983)	f-2)
Art III Sec 2	e-1) i-1)
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Article 1 Sec 25	a-4)
Beaz v Kresge 96 S Ct 1495	a-3)g-3)a-5)
Const. Key 251.6	f-2)
Contential Telephone v Alabama Pub Serv-ce Comm (Ala Sup) 1982 427 So 2d 981	g-21)
Donaldson v Clark (11th Cir) 786 F 2d 1570	c-3) g-3) a-4)
Douglas v Jeanett 319 US 157 63 S Ct 877 87 L ed 1324	i-2)
E.I. DuPonte DeNumers 183 F 2d 156 (5th Cir ;	g-2)

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Eagan v Anrora 356 US 514 81 S Ct 648 5 L Ed 714	e-2) i-2)
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Jones v Bales, (5th Cir) 58 F.R.D. 453, 463	a-3) j-3) M-3)
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Occidential Petroleum Corp v Chandler 10Cir 303 F 2d 55 Cert den 372 US 83 S Ct 718 9 L Ed 2d 722 reh den 373 US 915 81 S Ct 1288 10 L Ed 2d 201	f-2) i-4)
Smith v Allwright 231 US 167 81 S Ct 5 L Ed 987	i-2)
Sniadach v Family Finance Corp 195 US 337 89 S Ct 1820 23 L Ed 2d 334	f-1)
Parrott v Taylor 101 S Ct 1908	f-2)
U.S? v Ritter 10 Cir 273 F 2d 52 cert den 362 US 950 S Ct 863 4 L Ed 2d	f-2)

d) * * A REFERENCE TO THE OFFICIAL

AND UNOFFICIAL REPORT OF ANY
OPINION DELIVERED IN THE COURT

1) There has been no court.

2) As a matter of fact, there has been no Notice of Hearing on any of the issues.

3) There has been no Judge except for the "Mail Order" Sears Roebuck style of Hodges 250 miles away.

4) No Confrontation of any witnesses.

5) No evidence adduced.

6) No responsive pleadings.

Only fraudulent averments of the adversary, the court itself, all couched upon Schlesinger's Defendants:

" Counsel obtained the results sought; dismissal of the case prior to trial, and relief from the immediate harassment of the suit"

In as much as the U.S. Federal Court with their co-conspirators seeking dismissal without due process, what would you expect the findings of the court to be ?

PROOF OF INJUSTICE

This court is invited to examine the Docket Sheet, You will find proof that;

1) This Action has not come before the court for trial by jury.

2) The issues have not been tried.

3) And the jury has not rendered any verdict. *(look for the date of the verdict, it can't be found)*

4) As there has been no jury. SEE U.S.C.A. Amend. 7 "Unconstitutional abuse"

a) It matters not how many times, The Judge Hodges Mob dismisses a case, "without due process of law", it is VOID because of U.S.C.A. Amend. 5.

b) It matters not how many times (Judge Handling) Wahl's Buddy Buddy Tjoflat and Hatchett, (all Brothers in the Jacksonville Bar) affirms Hodges VOID decisions, the decision in this action is still an AFFIRMED VOID DECISION because of U.S.C.A. Amend 5 "reached without Due Process, is VOID."

SEE Morrissey v Brewer 92 S, Ct. @ 2605.
"Evidence and Reason, in Written Form"

There has been no responsive pleeding!

e) * * STATEMENT OF JURISDICTION

The subject matter set forth in the complaint and the Amended Complaint does arise under the Constitution of these United State and is within 28 S 1343 U.S.C.A. S 1343 Article III Sec. 2 of the Federal Constitution provides that:

" The judicial power shall extend to all cases in law and equity arising under the Constitution of the United States and Treaties and or shall be made under their authority"

It is clear that the Cause of Action is one which "arises under" the Federal Constitution. Since the Complaint plainly sets forth a Case arising under the Constitution the subject matter is within the Federal judicial power defined in Article III Sec. 2, and so within the power of Congress to assign to the jurisdiction of the District Court.Congress has exercised that power. 28 U.S.C. S 1343 (3) 28 U.S.C.A. S 1343(3)

" The District Court shall have original jurisdiction of any civil action authorized by law".

Against State infringement by the equal protection and due process clauses of the fourteenth Amendment.

Douglas v Jeanette, 319 US 157 63 S.Ct. 8 L Ed 1324
Srefane v Minard, 342 US 117 S.Ct.118 96 L Ed 138 ef.
Nixon v Herndon 273 US 516 74 S.Ct.446 71 L Ed 59
Nixon v Gordon 286 US 73 S.Ct.484 76 L Ed 759
Snowden v Hughes 321 US 649 64 S.Ct.757 86 L Ed 987
Smith v AllWright 321 US 649 84 S.Ct.757 65 L ed 987.
Monroe v Pape 356 US 167 81 S.Ct.473,5 L Ed 2d 492
Egan v Anrora 356 US 514 81 S.Ct.648 5 L Ed 714
42 U.S.C.A. S 1983 42 U.S.C.S 1983

Provides:

" Every person under any color of any statue ordinance, regulation,custom or usage of any State or Territory or causes to be sub-jected any citizen of the United States or other person within the jurisdiction thereof; to the deprivation of any rights, privileges or immunities secured by the Constitution and laws shall be liable to the party injured in an action at law, suit in equity or other proper proceedings for redress"

The issuance by the Court of any extraordinary writ authorized by 28 U.S.C. S 1651 (a). Federal Jurisdiction is asserted under R.S. S 1979 and 28 U.S.C. S 1343 and 28 U.S.C S 1331, 28 U.S.C.A. S 1331.

The decision of the court of first instance as well as the Decision of the 11th Circuit Court of Appeals are in conflict with the decisions of other Federal Courts of Appeals on the same matter. There has been no Federal Rules of Civil Procedure Rule 7(a) answer to each averment. There has been no opportunity to be heard.

There has been no confrontation of witnesses

There has been no responsive pleadings.

All Federal Questions have been ignored.

1) The unlawful taking of property without full and just compensation.

2) The denial of due process of law, repugnant to our constitution.

3) The denial of protection of the law,

equal to that afforded others and especially the 11th Circuit has sanctioned.

e-4.)

(a) The void decision of the lower court

b) The infliction of cruel and unjust punishment to the tune of ONE HUNDRED THIRTY TWO THOUSAND,THREE HUNDRED EIGHTY THREE AND 38/100th DOLLARS up to date.

With Hodges,Wahl and Tjoflat begging for more,Bribes.

c) And now, the 11th Circuit beggs for more sanctions on behalf of Bribe-begging Vail.

This is such a departure by the 11th circuit Court of Appeals from other Courts, as to call for the exercise of this United States Supreme Courts power of supervision.

The intiial question of Federal Law that should be settled by this Supreme Court is:

1) The corruption and conspiracy in the Wahl Hodges court such as;

Defendants; " Counsel obtained results sought dismissal of the case prior to trial, and relief from harassment of the suit"

2) ONE HUNDRED THIRTY TWO, THOUSAND,THREE HUNDRED EIGHTY THREE AND38/100th DOLLARS

already inflicted and still the 11th Circuit demands more Cruel and unjust Punishment.

i) * * There has been no Notice of any Hearing, or any of the dozens of issues.

* * No consideration of any material facts.

* * Primarily the only proceedings has been, the Defendants Motion to Dismiss and the erroneous allegations of the Magistrate always on behalf and in favor of the Defendants.

(ii) * * The date of the entry of judgment was the 12th day of May 1988.

This case was appealed for the third time. The 12th of May 1988 in the 11th Circuit Court of Appeals.

f) * * CONSTITUTIONAL PROVISIONS

ARTICLE 1, SECTION 25 provides:

" The courts shall be open to every person for redress of any injury, and justice shall be administered without sale" Denial or delay"

Our Constitution does not provide for "redress" of any injury. to be a scheme of entrapment to inflict upon poor pro se persons ONE HUNDRED THIRTY TWO THOUSAND THREE HUNDRED EIGHTY THREE and 38/100th DOLLARS, ($132,383.38) as punishment for having put fourth a Good-Faith effort to Petition the Federal Courts for redress of grievances.

NO HEARING HAD ON ANY ISSUE

In Sniadach v Family Finance Corp 195 U.S. 337 89 S.Ct.1820, 23 L Ed 2d 394
In Funtes v Shevin, 407 U.S. 92 S.Ct.1983 32 L Ed 2d 556 1972

The Courts Hold:

" The opportunity to be heard must precede any actual deprivation of private property"

f-2.)

In Arstrong v Manzo 380 U.S. 545 552 85 S.Ct.1187 1191 14 L Ed 2d 62 1963)

The Court Holds"

" Our past cases mandate that some kind of hearing is required at some time before a State finally deprives a person of his property interests. The fundamental requirement of due process is the opportunity to be heard and it is an 'opportunity . which must be granted at a meaningful time in a meaningful manner"

In Parrott v Taylor 101 S.Ct,1908

The Court Holds:

CONSTITUTIONAL LAW KEY 251 .6

Fundamental requirement of due process is OPPORTUNITY TO BE HEARD and is an opportunity which must be granted at meaningful time in in meaningful manner"

In This action the Docket will reveal that there has been no Due Process of Law no Hearing on the issues whatsoever !

" A Federal Court Judgment whether in a civil or a criminal case that is reached without due process of law is VOID U.S.C. A. Const. Amend 5

United States v Ritter 10 Cir 273 F 2d 30 32 cert den 362 US 950 S.Ct.863 4 L Ed 2d 869

Occidential Petroleum Corp v Chandler 10 Cir 303 F 2d 55 cert den 372 US 83 S.Ct.1288 718 9 L Ed 2d 722 reh den 373 US 81 S Ct 1288 10 L Ed 2d 201.

These Courts hold:

" The jurisdiction of this court to take action to guarantee a fair and impartial trial is no longer open to question, upon an adequate showing this court has held that it has the power and inescapable duty whether under the all writs statute 28 U.S.C.S 1651 or under its inherient powers of appellate jurisdiction to effectuate what seems to us to be manifest ends of justice"

g) * * STATEMENT OF THE CASE

The above styled Action would be more accurately styled The United States Court System VS John Barrow Jr the Court's Victim.

REASONS FOLLOW

1) This Case was filed pursuant to Federal Rules of Civil Procedure Rule 7 (a) in the form of a Complaint.

2) The Same Federal Rules ofCivil Procedure Rule 7(a) mandates;

> " There shall be a complaint AND AN ANSWER"

3) For personal reasons in the outcome The United States District or the United States 11th Circuit Court of Appeals is not the slightest bit interested in the upholding of the Constitution or the enforcement of the Federal Rules, as the 11th Circuit has affirmed the Void decisions of the District Court over and over and over!

4) Federal Rules of Civil Procedure Rule 8(b) " A party shall state in short and plain terms his defense. TO EACH CLAIM ASSERTED and SHALL ADMIT OR DENY the averments upon which the adverse party relies"

5) In this case and controversy the adverse party is the United States Court System. The Court Wm T Hodges, the prosecutor (Judge handling) Wahl, Harvey E Schlesinger does file 99% of all adversary pleadings. Almost no resistenceby the various defend ants, Counsel is necessary. (Judge Handling) Wahl has organized a scheme by which Harvey E Schlesinger provides a Total Defense for all defendants in all of these cases illegally consolidated by the Court. SEE: Edwards v E.I. DuPonte De Mumers 183 F 2d 156 (5th

6) Again, Federal Rules of Civil Procedure

> Rule 8(d) EFFECT OF FAILURE TO DENY averments in a pleading to which a responsive pleading is required. Other than those as to amount of damage, are admitted when not denied in the responsive pleading

7) The defendants counsel has never offered a responsive pleading. Please check the docket sheet.

8) The Honorable Harvey E Schlesinger has made the law of the Land obsolete and a responsive pleading unnecessary.

9) On behalf of the court and all their co-conspirators Harvey wishes the World to know the intent of the Federal Court and their co-conspirators. See page 8. Paragraph 8, of Harvey's Report and Recommendation;

> " Counsel (defendants) obtained the results sought; (by the conspiracy); dismissal of the case prior to trial, (repugnant to the due process clause) and relief from the immediate harassment of the suit"

And Justice be Damned !

> 55.3 Default Judgment by the Court;
>
> " If a party has not put in an appearance THE COURT MUST ENTER JUDGMENT by default, in order to constitute an appearance, however, defendant's actions must be responsive to plaintiff's formal court action. Baez v Kresge 96 S.Ct.1495 47 L Ed ed 745.

By using as a Guideline Morrissey v Brewer 92 S.Ct,@ 2605 The Supreme Court holds:

" Moreover in each case the decisionmaker must be impartial, there must be some record of the proceedings and the decision-

maker's conclusions must be set forth in written form indicating both the evidence and the reasons relied upon because of the Due Process Clause requires these proceedings"

The decision maker, Schlesinger, though by no stretch of the imagination is he, in any way impartial, he does ever so clearly put into written form on the record his only evidence and his only reason relied upon, to make all of his notorious gangland styled decisions.

THE SOLE INTENT OF THE COURT being not to uphold the Constitution but as H.E. Schlesinger does BOAST; in every report and recommendation.

(Defendants:)" Counsel obtained results Sought; dismissal of the Case prior to trial, and relief from the immediate harassment of the suit"

In virtually every case and every recommendation he, Schlesinger, repeats same. Check the Record. Schlesinger has no intention of being impartial. Schlesenger does not even pretend to be impartial, he strives to let the World know that he is biased.

h) * * REVIEW OF THE JUDGMENT

The judgment in this Action is not the results of any Hearing on any Issue of any Complaint.

There has been from the very Genisis of this Action, but one dogmatic intent which has been NOT only admitted by the Central Figures in this Federal Court Conspiracy, But Highly BOASTED by H.E. Schlesinger,

SEE Schlesinger's Report and Recommendation Page 8, Paragraph 8, The Court and Defend - ant's " Counsel obtained results sought; dismissal of the case prior to trial," (without any due process whatsoever) .

A disgrace to the Human Race. The excuse is that the Complaint is frivolous.

All Complaints would be such, as could not be proven, if they were handled in such a way as to deny any hearing on any Issue, as is the case at hand.

The Court of First Instance has ignored the Federal Questions involved and though it

is hard to believe the 11th Circuit has affirmed these VOID DECISIONS - Void because of no Due Process of Law. SEE: U.S.C.A. Const. Amedn 5 and see also U.S.C.A. Const. Amend 7.

The Federal Questions contained in the Complaint were timely raised and properly raised, however, all questions Federal and otherwise, have been ignored by District Court and the Court of Appeals.

All that is of interest to these Courts is to promulgate sanctions without any hearing on the appropriateness of Sanctions FOR THE PURPOSE OF COERCION.

Except for the matter of sanctions, there has been no adjudication of any issue or material Fact. Wherefore, the judgment in this Action are only for Extortion by force of the court to provide FOR Spoils to be split pursuant to F.S. 877.01(4). Unless it pretains to Sanctions totaling as of this date.

ONE HUNDRED THIRTY TWO THOUSAND, THREE HUNDRED EIGHTY THREE AND 38/100th DOLLARS there is no Judgment to be reviewed. As there has been NO HEARING ON THE ISSUES HAD. No Confrontation of witnesses, No evidence adduced, no excuse of any adjudication.

In Padovant v Brachenusen 293 F 2d 546;

The United States Appeals Court points out;

" A plaintiff cannot be deprived of his rights without a trial, even if the trial promises to be long and burdensome"

Under the federal rules a Plaintiff pleads facts, not law, and the law is to bw supplied by the court" Fed. Rules of Civil Procedure Rule 54 (c) 28 U.S.C.A.

i) * * BASIS FOR FEDERAL JURISDICTION
IN THE COURT OF FIRST INSTANCE

The subject matter set forth in the Complaint and the Amended Complaint does arise under the Constitution of the United States and is within 28 S 1343 U.S.C.A. S 1343.

Article III S 2 of the Federal Constitution provides that:

" The judicial power shall extend to all cases in law and equity, arising under this Constitution , the Laws of the United States and Treaties made or which shall be made under their authority"

It is clear that the Cause of Action is one which "arises under" the federal Constitution.

Since the Complaint plainly sets forth a case arising under the Constitution the subject matter is within the federal judicial power defined in Art III S 2 and so within the Power of Congress. to assign to the jurisdiction of the District Court, Congress has exercised that power in 28 U.S.C. S 1343

i-2.)

(3) 28 U.S.C.A. S 1343 (3)

The District court shall have original jurisdiction of any civil action authorized by law"

The court has frequently sustained District Court jurisdiction under 28 U.S.C. S 1343 (3) 28 U.S.C.A. S 1343 (3) against State infringement by the Equal Protection and Due Process Clauses of the Fourteenth Amendment.

Douglas v Jeanette 319 US 157 63 S.Ct.877 87 L ed 1324
Srefane v Minard 142 US 117, 72 S.Ct.118 96 L Ed 138 ef
Nixon v Herdon 273 US 356 47 S.Ct.466 71 L Ed 759
Nixon v Gordon 286 US 73 52 S.Ct.484 76 L ed 984
Snowden v Hughes 321 IUS 64 S.Ct.397 88 L Ed 497
Smith v Allwright 231 US 649 64 S.Ct.757 88 L Ed 987
Monroe v Pape 356 US 167 81 S.Ct.5 L Ed 2d 492
Eagn v Anrora 356 US 514 81 S.Ct.684 5 L Ed 2d 714
42 U.S.C. S 1983 42 U.S.C.A. S 1983 Provides:

" Every person under color of any Statute, ordinnce, regulation custom or usage of any state, territory subjects or causes to be subjected any citizen of the United

States or other person within the Jurisdiction thereof to the deprivation of any rights, privileges or immunities accured by the Constitution and laws shall be liable to the party injured in an action at law suit in equity or other proper proceeding for redress"

STATUTORY GROUNDS FOR JURISDICTION ARE

28 U.S.C. s 1331- Federal Question
28 U.S.C.A. S 1331- Civil Rights
U.S.C. S 1343 Limit Jusisdictional No.
28 U.S.C.A. S 1343 -R.S. 1979
18 U.S.C. S 242 Color of Law
28 U.S.C. S 1346 (a) (12) Just Compensation
18 U.S.C.A. S 242 Color of Law
Wrongful Acts of State Official
U.S.C.A. 1985 (3) U.S.C. Const 13s 2
Discrimination Art IV S 2 U.S. Const.
28 U.S.C. S 41
28 U.S.C.A. S 41 (1)
Lack of Eniment Domain proceedings 28 USC S 1403
28 U.S.C. S 2281 Three Judge Dist. Court
28 U.S.C. S 1337 Original Jurisdiction.
S 20 Substantive office.Under color of law
42 U.S.C. S 1983 Damage & recovery
28 U.S.C. S 1442 (a) (1)
28 U.S.C. S 1442 (a) (3)
P.L. 87-748- 76 Sta (962 28 U.S.C. S 1361
This plaintiff hereby invokes the Constitution of the United States;
Especially;
Amendment V and XIV Due Process of law
Amendment V an XIV
Amnedment V and XIV Denial of property rights
Amendment VII Denial of property rights
Amendment I Redress of Grievances
Amendment VI Right to confrontation

Article 1 Sec 10 ex post facto laws

Article VI Authority of US Supreme Law clause 2.
42 U.S.C. pre-trial publicity fair trial impossible USCA Const A 6 6494
28 U.S.C. S 1346 (a) (12) Taking of property without just compensation

FEDERAL QUESTIONS : Involved in this action are obvious.

The impairing of obligation of contract Taking of property and holding property in an illegal manner without full and just compensation repugnant to the constitution of these United States in definance of the takingclause of the fifth Amendment as incorporated against the States by Fourteenth Amendment (479 U.S. -- 1986 Jurisdiction.

The flagrant denial of equal protection of the law. as guaranteed by our constitution of these United States.

SEE Federal Rules of Civil Procedure Rule 7 (a) and Rule 8(b) and Rule *8(d) Rule 55 and others.

A complete deprivation of fundamentals of procedural due process of law, appropriate to the circumstances.

In United States v Ritter 10 Cir 273 F 2d 30 32 cert den 362 US 950 S.Ct.863 4 L Ed 2d 869
Occidential Petroleum Corp v Chandler 10 Cir 303 F 2d 55 cert den 372 US 83 S Ct 718 9 L Ed 2d 722 reh den 373 US 915 81 S.Ct. 1288 10 L Ed 2d 201

These Courts hold:

" The jurisdiction of this court to take action to guarantee a fair and impartial trial is no longer open to question, upon an adequate showing this court has held that it has the power and inescapable duty whether under the all writs statute 28 USC s 1651 or under its inherient powers of appellate jurisdiction to effectuate what seems to,us to be manifest ends of justice"

i-In Padovant v Brachenusen 293 F 2d 546

The United States Appeals Court points Out;

" A plaintiff cannot be deprived of his rights without a trial, even if the trial promises to be long and burdensome"

Under the federal rules a Plaintiff pleads facts, not law, and the law is to be supplied by the court" Fed. Rules of Civil Procedure Rule 54 (c) 28 U.S.C.A.

m) * * FRIVOLOUS THIS APPELLANT'S PLEADINGS ARE NOT

In Treat v State ex rel Mitton, 121 Fla 309 So 883

The Court Holds:

"A" Frivolous appeal is one presenting no justiable questions and so readily recognizable as devoid of merit on face of record that there is little prospect that it can ever succeed".

In Erwin v Lowery, 64 N.C. 321
In Strong v Sproul 38 N.Y. 499
In Gray v Gidiere 4 Strob S.C. 442
In re Beam N.J. L. 779 121 A 713 714

The Court Holds:

" Any pleading is called " frivolous" when is clearly insufficient on its face and does not controvert the material points of the opposite pleading and is presumably interposed for mere purpose of delay or to embarrass the apponent"

There is by no stretch of the imagination any part of Appellant's pleadings that is insufficient in substance. All of Appellants pleadings are well grounded in law and well grounded in fact.

THE WHEEL WITHIN A WHEEL CENTRAL-FIGURE

a) Central Figure Schlesinger's own say-so does not constitute " Due Process of

Law" appropriate to the Circumstances.

b) Central-Figure Schlesinger's has record ed, in written form no evidence and reason relied upon for he, Schlesinger, as decisionmaker to rely upon.

c) Central-Figure " Mail Order" Hodges has not abided by due process requirements set forth in Federal Rules of Criminal Procedure Rule 42(a) or Rule 42(b), also this Victim of this Federal conspiracy is entitled to a trial by jury, .

d) The reason for appropraiteness of sanctions is based soley on the meanness and madness of Schlesinger's own Say-so

e) If the District Court has recorded in written form any evidence and any reason for sanctions amounting to ONE HUNDRED THIRTY TWO, THOUSAND THREE HUNDRED EIGHTY THREE AND 38/100th DOLLARS, ($132,383.38

other than the meanness and madness of the Wheel Within A Wheel Conspirators let it be shown on the Docket Sheet.

Otherwise, Pursuant to U.S.C.A. Const Amed. 5, their decisions are void. Any affirmance of a void decision is still VOID, especially, with no evidence and no reason recorded in written form, upon which the decisionmaker's opinion is based. SEE: Morrisey v Brewer 92 S.Ct.@ 2605

SEE ALSO:

JONES V BALES: 38 F.R.D. 453 463 (N.D. 1972) aff'd 480 F 2d 805; (5th Cir 1973)

The Fifth Circuit holds:

" Pro se litigants are not subject to the usual incentives against filing repetitive frivolous or malicious lawsuits They are immune from imposition of costs if they are un-successful and because of their poverty they are practically immune from later tort actions for 'malicious' prosecution or abuse of process"

SUPREM COURT OF THE UNITED STATES
WASHINGTON, D.C.

JOHN G. BARROW Petitioner

VS. CASE NO.

Respondant

****

MOTION FOR LEAVE TO FILE A PETITION FOR WRIT OF CERTIORARI BY A PERSON APPEARING pro se

##########

Comes now, Plaintiff-Appellant-Petitioner John Barrow, requesting leave to file this Petition for Writ of Certiorari as a person appearing pro se.

This Petitioner has tried for years to obtain Counsel, in Georgia, New Jersey, New York Philadelphia, Utah and Texas.

On one occasion Petitioner was told by Race Horse Haines of National Reputation in Dallas Texas that it would cost $5,000.00 for Attorney Haines to look into such an arrangement The Money Order was mailed to Mr Haines, who in a few weeks returned the money order for $5,000.00 expressing his regrets. But no

thanks. You see, the problem is that the News Media has smutted and smeared this Plaintiff-Appellant-Petitioner without mercy world wide for acts not committed by this Petitioner, however all attorneys who express a reason, state that their " Public Relations' will not stand Petitioners adverse publicity. This pro se person should have constitutional rights the same as other persons.

Respectfully Submitted

I HEREBY certify this 5th day of May 1989 that I did furnish a true copy of the above to all Cousel of record.

JOHN G BARROW JR
A Layman without legal education
Rt 1 Box 470
Callahan, Fl 32011
904-845-2475

AFFIDAVIT OF SERVICE OF A PETITION
FOR A WRIT OF CERTIORARI

STATE OF FLORIDA
COUNTY OF NASSAU

Before me, this day personnaly appeared JOH G BARROW JR, who being duly sworn, deposes and says, that I did deliver by United Parcel Service a true copy of this Petition for Certiorari, with First class charges thereon, addressed to all Counsel of Record, this 5th day of May 1989

JOHN G. BARROW JR
A Layman without legal education
Rt 1 Box 410
Callahan, Florida 32011
9040845-2475

Before me, personally appeared.JOHN G BARROW JR, to me well known and know to me to be the person described in and who executed the foregoing instrument and acknowledged to and before me, that he executed said instrument for the purposes therein expressed.
Witness my hand and official seal this 5th day of May A.D. 1989.

Alma M. Barrow
Notary Public
State of Florida

Case Number

88-1826

Supreme Court, U.S.
FILED
MAY 11 1989
JOSEPH F. SPANIOL, JR.
CLERK

IN THE

United States SUPREME Court

SPRING TERM 1989

APPENDIX TO PETITION FOR WRIT OF CERTIORARI

JOHN G. BARROW JR.
Plaintiff - Appellant - Petitioner
vs.
KING AND HERBERT HANCOCK et. al.
Defendant - Appellee - Respondant

ON WRIT OF CERTIORARI FROM THE U.S. COURT OF APPEALS, ELEVENTH CIRCUIT ATLANTA, GEORGIA

John G. Barrow Jr.
A Layman without legal education
Rt. 1 Box 470
Callahan, Florida 32011
(904) 845-2475

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P R E F A C E

In twenty Actions I have filed, the District Court has dismissed twenty cases. Without the adjudication of any one issue, in any one case. Judge Hodges is determined to Ruin this Petitioner.

In the nineteen (19) cases that have been appealed Judge Tjoflat and Judge Hatchett have affirmed and sanctioned Seventeen (17) of these cases and is assured to affirm the other two actions appealed.

This is unquestionable the delay of justice, the denial of justice and the refusal to afford even to a hearing on the issues, without justice being purchased.

Wherefore if this Supreme Court does not have the Supervisory Power of the Federal Courts, to insure a Fair and Just trial, by a competent and impartial Judge, and Jury, or on the other hand are lead by Hodges enmity, Tjoflat's and Hatchett's

obligation to Bar Buddy Wahl, then will you the Supreme Court, be so kind as to admit that there will be no " Redress of Grievances" No hearing of the issues, and no Jury hearing.

I cannot approach the Supreme Court in Forma Pauperis as I have thousands of dollars tied up in loans to the State that Judge Hodges, Judge Tjoflat and Judge Hatchett are dogmatically determined that I shall not receive any adjudication thereof.

No attorney will assist me.

Will you help me ?

Chapter a) * * PETITION FOR A

WRIT OF CERTIORARI

##

This action has been dismissed by the Court of First Instance, which dismissal is VOID. Because of no hearing on any issue has been had. THIS VOID DECISION has been affirmed by U.S. Circuit,

Judge Gerald Bard Tjoflat only too well known to (Judge Handling) Wahl knows, a Void decision that is affirmed, is only an AFFIRMED VOID DECISION. The affirmance of that Void Decision does not make the Cheese any more Binding. This action is the same ab initio grievance because no Meaningful adjudication , whatsoever.

Plaintiff still awaits a Responsive pleading ! NO decisionmaker has recorded any evidence and any reason what-so-ever relied upon to deny this Petitioner even one answer,or one day in court on issues or merit of the law, or in open forum

set forth in written form, See; Morrissey v Brewer, 92 S. Ct. @ 2605.

Also in the Same Order is the denial of Appellants Motion To Amend.

In Foreman v Davis, (1962) 371 US 178 182 83 S Ct 227,9 L Ed 2d 222,

" The Court citing TREATISE, reiterated the philosopy of Rule 15 that Amendments of the pleadings ARE TO BE FREELY GRANTED EVEN AFTER A COMPLAINT HAS BEEN DISMISSED"

3) Page, c-1, c-2 is the Order appealed from in the Court of First Instance.

The Decisionmaker reached this decision without any evidence, or reasons of his own.

This decision was couched upon the Void Decision of the Magistrate as the Magistrate has not recorded any written form indicating the evidence and the reasons relied upon for the decision.

The Magistrates Decision was based entirely upon his own "Say-so" as there was no confrontation of any witness, any testimony taken any evidence other than the Complaint presented and no answers to the Complaint.

4.)Appendix c-3,is the Judgment of the Court of First Instance.

SPECIAL ATTENTION INVITED

There was no trial and;

There was no hearing before the Court,

There was definitely no Issues Whatsoever tried or heard and the Decision has been rendered by Judge Hodges Void Decision because of being reached without any due process of law, whatsoever.

Judge Hodges based his decision on the "Say-so" of Hravey E Schlesinger which was void because of being reached

without any due process of law and couched upon Judge Melton's decision which was Void for the same reason, having been reached without any due process what soever.

This entire Chain of Void Decisions has been approved, affirmed and ratified by the Circuit Court of Appeals, without any due process of law whatsoever.

THE ENTIRE RECORD

To the Court of First Instance and To the Court of Appeals;

(i) THE ENTIRE RECORD has no meaning what so ever.

(ii) The only concept of Justice in the Court of First Instance as well as the Court of Appeals in One MISSTEP, that is just like a Game of Chess.

(iii) Then they have Liberty and Justice for all, that is, all Members of the Bar

and/or the Folks with very deep pockets.

(iv) Pro se Persons in their eyes are lower than an enemy Alien. This Petitioner should not be a Victim of discrimination.

(a) Because of being a pro se Person.

(b) Or, because of having Indian Roots on both sides of his family.

(c) Or because of not being a Member of the Bar, in good standing with Judge Hodges.

Petitioner is still entitled to be Heard, at least One Day in Court, contrawise this is a Sad, Sick Day for our Constition.

The only supporting Opinion is that of John E Lawlor III Assistant United States Attorney, Jacksonville, Florida.

To quote John E Lawlor III from his

a-6.)
Brief for Appellee in the 11th Circuit

dated the 21st day of October 1986.

1.) " The Order entered by Judge Hodges on August 15th 1984, MERELY adopts the (ERRONEOUS) recommendations of the Magistrate. See Page 4 of that instrument"

2.) " An Order simular to the one appealed from which MERELY adopts the Magistrates recommendations does not * * * " See Page 4 of that instrument.

3.) " The trial Court's determination of " Bad-faith" was based on a history of vexatious litigation predating the bringing of the present action and further determination by the court that the matter should be dismissed because of the case being dubject to the defenses of res judicata"

4.) " This was not a case of Bad-faith" arising during the course of litigation"

5.) " If res judicata determination is reversed the determination of Bad-faith is affected"

6.) " And if the determination that the Plaintiff acted in bad-faith is reversed, this may have an impact upon the question of res judicata"

7.) " First as a practical matter, if this court were to reverse the case on the merits, this would necessarily have an impact upon the question of whether the plaintiff was acting in bad-faith"

8.) " Accordingly, it is respectfully submitted that if this court undertakes jurisdiction of this cause, it then has jurisdiction TO REVIEW THE ENTIRE CASE, including the determination that the plaintiff is liable for the attorney fees as a result of his Bad-faith"

By way of reasoning throughout the entire record, and the Course of Proceedings, all of which have been established on the Decisionmakers own "Say-So" and without any Written Form setting forth any evidence or reason relied upon. the Court is Urged by this Appellant to look the Entire Record Right In Its Face.

1.) To begin with, there was filed the Complaint. Fed. R.Civ. P. Rule 7(a)

But no answer.

2.) There was never " a responsive pleading" filed by any Defendant to any Complaint. See: Fed. R. Civ. P. Rule 8(d)

3.) Harold B Wahl, solicited many of the Counsel's of many of the Defendants. Harold already had the Deep Pockets of A.T. T. by which to Handle the Judges, The Clerks, and the Federal Court. What more Clout did Wahl need at his command ?

4.) There were many letters and teleconferences with the majority of the counsel and various members of the Federal Court System.

5.) There was ex parte letters to Judge Hodges and from Judge Hodges came his response ex parte.

6.) There was the expediting of " the Intent of the agreement"that has since

bean explained ever so clear, by Schlesinger in his confession. See Page a-15.)

7) At the same time, there was the co-operation of the parties,as to the " intent to accomplish the object" of the agreement.

8.) Whereupon, as part of the plan of the Oppressive injury directed toward the infliction thereof, of this pro se Person, Judge Hodges consolidated "ALL OF THESE CASES" . This can never be over come.

9.) The Federal Court System, or at least Hodges Court System, refuses to enforce Federal Rules Civil Procedure Rule 7(a) and Rule 8(b) and Rule 8(d) as well as Rule 55, except as applied against pro se Persons. The Hodges

Court's aim is not to enforce the law but to deprive this pro se person's rights, protected by the Constitution

See: Screws v United States, 325, US 91 106 (1945) (dictum)

(b) To obtain results sought; the plan including " an Anti-Federal Intent" with scienter, which does affect the General Public such as this pro se Person, in the area of Constitutional control, clearly exhibited by the conspirators is a continous and " conscious Union of will" upon this common undertaking, State v Looney, 179, ATL 623 (S.Ct.1935)

c) This Conspiracy by the Wheel Within A Wheel Scheme has a Corrupt Motive with Wrongful Intent.A meeting of the minds in an unlawful arrangement" to deny

Constitutional right of this pro se Person. See: American Tobacco v U.S. 328, US 781,810.

d) " The specific object" of this conspiracy is " to inflict a Felony upon the Constitutional Rights"of this pro se Person, " With Criminal Intent" to deny this pro se Person and his Complaints any access to Court. The effect of Hodges illegal consolidation can never be eradicated. This amounts to permenent contamination of all cases. See: Yates v U.S. 354, U.S. 298 334;)

e) This does Stifle any possibility of due process of law, to this pro se Person et al. And is very damgerous to the Federal Government because of " the Anti-Federal Intent" Most certainly the denial of due process to all pro se Persons, present and threatened.

a-12.)

10.) This Wheel Within A Wheel Conspiracy vitaties Public Moral and does Constitute Evidence of " Overt Acts". Proof of same is Central Figure H.E.S. Confession See Page a-15.)

11.) The results of the above described Wheel Within A Wheel Conspiracy has been to By Pass all of the adjudication of each and every issue, that has arisen in this confrontation, as expressed by some of the Counsel, " All that is left for review for this Court of Appeals is that of;

a) Did Judge Hodges Court abuse its discretion by the act of inflicting the extortion of tens of thousands upon top of tens of thousands of dollars of Sanctions to be awarded as Bribes; so as

to split the spoils between themselves and their co-conspirators ?

b) Did the Court abuse its discretion in the dismissal of Hodges " ALL OF THESE CASES" based upon his void decision, which was reached without any due process of law whatsoever ? All based upon Schlesinger's " Say-so" which was based upon Melton's void decision, reached without any due process of law,.

12.) The answer to a), above is Yes. The Court did abuse its discretion, in substituting relief by due process of law, with extortion of ungodly amounts to be divved up between the Central-Figures and their Co-conspirators.

13) This cannot in any reasonable thinking and reading community believed to be

equality and justice for all.

14.) This Sanction Scam makes a Dirty Fraud out of the Constitution.

15.) This Appellant Urges this Court to take Supervisory Control by the Adjudication of each of the Issues that have arisen by the review of the Entire Record.

16.) Until the emplementation of such Procedure is carried out there can be nothing else for this Court of Appeals to review.

17) This filithy corruption in our Federal Court has got to go !

18.) The answer to b) above, is Yes. The Hodges Federal Court has abused its discretion , by its " results sought" by the three Central Figures. All of which flies up in the face of any respectability of

our Federal Court System, and the Constitution of these United States.

" To avoid harassment to their cohorts resulting from a fair and just trial"

loathing and nauaiating !

19) The laws of conspiracy punishes intent alone. Lambert v People, 9 Cow. 578,624-25 m.b. N.Y. (1827)

THE CONFESSION OF THE CENTRAL FIGURES

" Counsel obtained the results sought; dismissal of the case prior to trial, and relief from the immediate harassment of the suit"

20) This confession is Loud and Clear the confession of;

a) " inetent to the agreement" Fowler v Padgett, 7 T,R. 509 514.

b) " Intent to the accomplishment" (obtained results sought)

c) A Loud and Clear " Anti-Federal Intent" 18 U.S.C. § 2312.

d) " An intent to do wrong" because of alleging to have immunity. (dismissal prior to trial, relief for cohorts.

e) " A specific object" to attain a felonious injury inflicted upon the Person of this pro se Person. See:

People v Dorman,415, 111, 358, -114 N.E. 2d 404 (1953)

The Three Central Figures are guilty of the one conspiracy and of other conspiracies because of informing each by each and other individuals with whom they plot.

Mendelson v United States, 58 F 2d 532 (D.C. Cir 1932)
Regins v Murphy 8 Car P 297, 173,Eng Rep 502 (Q.B. 1837)

In connection with the Preceeding Chapter Summary of the Argument, let us then take up a review of the Overt Acts with Scienter committed by the Wheel Within A

Wheel Conspirators. Not in one case only, but Hodges " ALL OF THESE CASES". An Epidemic of Overt Acts. Proof of which is not only the confession of Harvey E Schlesinger on behalf of the Central Figures, but also the end results. This amounts to proof of the pudding. All reeking with an extremely high pungent aroma. Each new Overt Act" renews the running of the Statute. See:

Gruewald v United States,353,U.S. 391-97, (1957)
Ware v United States, 154 Fed. 577, 579, (8th Cir) cert den. 207, U.S. 588, (1907)
Cooke v People, 231 111, 9 82 N.E. 863 (1907)
People v Hines, 284, N.Y. 93,29 N.E. 2d 483 (1940)

Appellant does ever so Urgently, call upon this Honorable Court of Appeals to defend its honor by the eradication of this dastardly Wheel Within A Wheel Corruption in our Federal Court System.

It goes beyond disgrace and disgust. In addition to " the Central Figure's Confession" and, end results of vitiating Hodges " ALL OF THESE CASES" and the Void decision because of being reached without Due Process of Law, What more evidence of conspiracy and corruption do you need ?

Will it be left up to the United States Supreme Court and/or Congress ?

If the Sixteen Void Decisions ---- Sixteen Void Decisions, in consession are swept under the rug, will they stay there ? Or, will they Haunt forever those who have neglected their duty ? This question has been raised, What say Ye ?

In Paoli v United States 352 U.S. 232;

The Supreme Court Holds:

" The Appellate Court may examine the particular circumstances in each case"

LET US NOT FORGET

All of the above included in this instrument and the Entire Record can be said in but one word. OPPRESSION !

1) In People v Learman,28 N.Y.S. 2d 360;
The Court Holds:

" A public officer who unlawfully arrests another or detains him against his will, or seizes or levies upon another's PROPERTY or dispossesses another of any lands or tenements or does any other act whereby another person is INJURED IN HIS PERSON PROPERTY OR RIGHTS is guilty of oppression Oppression is an unlawful use of authority and it is not committed by threats but by an unlawful act of the accused".

2) By the neglect of the Court of First Instance to enforce Federal Rules of Civil Procedure especially, Rule 7(a) 8(b) and 8(d) and Rule 55 there is vividly demonistrated a willingness to Vex,

Harass and to Injure consistent with

" Wrongful Intent to Injure"

3) The consolidation of " ALL OF THESE CASES" and the Hodges denial of access to Court clearly demonistrates the Wheel Within A Wheel " Intent to Injure" this pro se Person.

4) The very charge of Sanctions being appropriate, exhibits an " Intent to accomplishment"

5) The entry of Central Figure Hodges Order for such ungodly and unreasonable judgments levied upon this pro se person vividly demonistrates oppression, coercion complusion and constraint by force of the Federal Court.

SEE: Santer v Santer,115 Pa. Super 7, 174, A 65 1, 652.
Also Fluharty v Fluharty Del Super 8 W.W. Harr. 487 193,A 838 840.

Actual direct and by use of Force of the Federal Court System.

6) Actual Malice including " Malicious Intent" is shown by Central Figure Harvey E Schlesinger's confession. See: Parrott v Bank of America , 97, Cal App. 2d 14, 24-25, 217, F 2d 345 (hg den) Also; Watson v Anderson, 6 Cal App. 3d 1003 1009 -1010, 85 Cal RPTR 345 (hg den)

Certainly a Motive and Willingness on the part of the Federal Court System and their Co-conspirators to Vex, Harass and Annoy this pro se Person.

See: Haun v Hyman,223 Cal App 2d 615 36 Cal RPTR 84.

These Judgments for tens of thousands, upon tens of thousands, of dollars of Sanctions is intended to subject this pro se Person to Cruel and Unjust hard-

ship, loss of the remainder of his natural life and " a Conscious disre-guard" of this pro se Persons Rights

See: Roth v Shell Oil Co 185 Cal App 2d 676, 682, 8 Cal RPTR 514 (hg den)

Extortion has been defined as obtaining property (judgments) induced by the un-lawful use of force (of the Federal Court System) most repugnant of all by a Federal Court Officer and his Co-conspiring Co-horts " under color of Federal Office".

7) The Central Figure Hodges Order to award judgments without having been reached without due process of law and without a jury, is proof of " commiss-ion of an unlawful act" to injure and a Felony upon the Person of this pro se Person.

8.) The Central Figure Schlesinger's Act of promulgating this infliction of Sanctions with the Aid of Central Figure Harold B. (Judge Handling) Wahl is proof that the commission of the unlawful Sanctions was a deliberate act with the " Intnet to severly Injure".

9) The issuance and filing of the Judgments by the Clerk under orders of Central Figure Hodges proves that the unlawful, void decisions and the award of sanctions was committed in collusion of the various defendants and was also committed with " the deliberate purpose of injury " to this pro se Person, which acts do constitute a Tort, and does further show that their acts were with Malice and Scienter and with

" an intent to oppress" this pro se Person.

10) The above has been accomplished by use of excessive authority emplemented by Officers of the Federal Court System whose acts are acts of Cruelty, unlawful exeactions under color of law which is a more extensive signification and does embrace many other Void decisions and other acts of Official malfeasence and misfeasance of office.

11) The wrongful intention to injure this pro se person, is a paramount factor that calls forth the penalty of punitive and exemplary damages to this pro se Person.

SEE: Acadia California Ltd.v Herbert
54 Cal 2d 5 Cal 2d 632 198 P 2d 1

12.) In Cf. People ex rel Reardon v. Flynn, 58 Misc. 621 111, N.Y,S. 1065;
In Delaney v Flood , 183, N.Y. 323 329 76 N.E. 209 210, 2 L.R.A. N.S. 678, 111, Am St Rep. 759 5 Ann Cas. 480.
In Stevens v McAdoo, 112 App. Div. 458 462 98 N.Y.S. 553 555

These Courts hold:

> " An example of the same oppression is to be found where an official performs an act which is within the scope of his official authority but in performing the act he does so in bad faith and in pursuance of some evil purpose not connected with his duty. The crime might also be established where an officer performs an unauthorized act under the pretense that that he is performing his official DUTY and has the power to do the act in question"

13) In Idlewild Bon Voyage Liquor Corporation v Rpstein 370 U.S. 713.

The Supreme Court Holds:

> " Supermacy Clause of the United States Constitution a three judge court should have been convened since applicable jurisdictional statute made it impermissible, for a single judge to decide the merits of the case either granting or with holding relief"

a -26.)

13. We agree with the court of appeals that a three judge court should have been convened in this case. When an application for a statutory three judge is addressed to a district court,the court's inquiry is appropriately limited to determining whether the constitutional question raised is substantial whether the complaint at least formally alleges a basis for equitable relief and whether the case presented otherwise comes within the requirements of the three-judge statute. Those criteria were assurdly met here and the appibable jurisdictional statute therefore made it impermissible for a single judge to decide the merits of the case, either by granting or with-holding relief"
28 U.S.C.A. § § 2281-2284
U.S.C.A. Const. Art I § § 8 c 1 31
34
Also See Baily v Patterson,369 U.S.31
34

15.) All being part of the over all enity involved in a conspiracy to participate in a pattern of racketerring of more than one act of corruption interstate because of the Federal District Court which is a Federal Government Entity. 18 U.S.C.A.
s 1962

16.) In United States v Stratton, 649 F 2d 1066;

The Fifth Circuit Holds:

" Florida third judicial circuit a Goverment entity, properly constituted an " Enterprise" under the Racketeer Influenced and Corrupt Orginzation Act. 18 U.S.C.A. § 1961 (4).
Under the Racketeer Influenced and Corrupt orginazation Act prosecution is not required to specify whether the enterprise is either a " legal entity" or a group of individuals associated in fact although not a legal entity"
18 U.S.C.A. § 1961 (4)

a conclusion, could not be complete without a review of the Entire Record.

1.) The complaint explains in detail the injuries to this Pro se Person, by the Defendants.

2.) The Complaint states very clearly the Facts and the Issues.

3.) The Complaint states the Relief sought, which should be granted.

a-28.)

4.) The Complaint invokes jurisdiction including the invocation of the Constitution itself.

5.) The Complaint is definately not Frivolous, as each claim and averment is well grounded in Fact and in Law.

6.) All of the Pleadings are well grounded and in Compliance with the Rules, not for the purpose of Appellant being raped by the Sanctions Mongors but, to attest to the Facts of the Good-faith and Sincerity of this pro se Person.

7) This Case has been over ridden by Corruption of the Federal Court System. To Quote Central Figure Harvey E Schlesinger

" Counsel obtained results sought;
See Page a -15.)

a) Now, this pro se asks this 11th Circuit just what does this mean to you?

Does that sound to you like a Court of Competent Jurisdiction ? Or, would you say that the Central Figures were truly interested in the outcome ? In a very personal manner ?

Biased and Prejudiced, seeking dismissal without due process of law ? See Page a-15.)

b) " Dismissal prior to trial" --- before any meaningful notice of hearing and before any meaningful hearing having been conducted. Dismissal by Legal Trickery ? Or, purely and simply a Fraud upon Justise ? See Page a-15.)

c) Really, this pro se Person does not comprehend any intelligent reason for the Central Figures to be Boasting about the Raw and Filthy Corruption except to Harass this Pro se Person because of the Central

a-30.)

Figures alleging immunity. And Judge Handling Wahl's deep, deep American Telephone and Telegraph Compnays' Pockets.

d) Why does the Central Figure boast about;

" Relief from immediate harassment (to the defendants) of the suit" ?

See: Page a-15.)

Mainly, why would a suit embarrass or harass these defendants, if in fact, they were clean ? Was their Motive Fear of losing or greed of the Federal Court ?

See: Page a-15.)

8.) Since Hodge was slick enough to consolidate " ALL OF THESE CASES"at the exact time to succeed in Scuddling " ALL OF THESE CASES" then in that event, the Central Figures are Sharp enough to know of the illegality of their dasterdly,acts which clearly spells our Scienter,Meanness Wrongful Intent and Anti-Federal Intent

because of Raping this Pro se Person's Constitutional Rights.

This is " The Common Object of the Agreement" See: Landen v United States,248,Ala. 160, 27, So 2d 16 (1946)

9.) " The Unity Purpose"of the Wheel Within A Wheel Conspirators is revealed in Schlesinger's War Cry, for all that desire Sanctions to file their affidavits, as well as his confession of " Counsel obtained results sought:" by the Central Figures and their Co-horts. This constitutes " A Meeting of the Minds" in an unlawful arrangement. SEE: American Tobacco Co. v United States, 328, U.S. 781,810 (1964)

10) Now, some of the Defendants allege the only factual questions for review of the Court of Appeals is;

a) Did the District Court correctly

dismiss Plaintiff's Complaint ?

b) Did the District Court abuse its discretion while other Central Figures say there is no factual questions to be reviewed .

THEY ARE SADLY MISTAKEN

11) In ex parte State N.Y. 256 U.S. 500
In Louisiana v Junel,107, U.S. 711. 719,720,723, 727-728
In Hagood v Southern, 117, U.S. 52, 67, et seq.
In re Ayers 123, U.S. 443, 487, -492
In Pennoyer v McConaughty, 140, U.S. 1,10, et seq.
In Smith v Reeves, 178, U.S. 436,438 440;
In Murry v Wilson, Distilling Co. 213 U.S. 151,168
In Lankford v Platte,Iron Works, 235 U.S. 461 469;

These Courts hold:

" It is now established that the question to be determined not by mere names of the titular parties but by the essential nature and effect of the proceeding as it appears from the ENTIRE RECORD".

12) In Conley v Gibson, Cite as 78, S.Ct. 99

The Supreme Court Holds:

" The Federal Rules of Civil Procedure do not require a claimant to set out in detail the facts upon which he bases his claim, to the contrary, all the Rules require is a " Short and Plain Statement of the claim" that will give the defendant fair notice of what the plaintiff's claim is, and the grounds upon which it rests. The illustrative forms appended to the Rules plainly demonistrate this. Such simplified " Notice pleading" is made poss ible by the Liberal opportunity for discovery and the other pre-trial proceedings"

The Federal Rules reject the approach that pleading is a Game of Skill in which one misstep by Counsel, may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits"

13) In Monroe v Pape, 365 U.S. 167 ;

The Court holds ;

" It authorizes any person who is deprived of any right, privilege or immunity secured to him by the Constitution of the United States, to bring an action against the wrongdoer in the Federal Courts and that without any limit whatsoever as to the amount in controversy. The deprivation may be of the slightest conceievable

character, the damages in the estimation of any sensible man, may not be five dollars or EVEN FIVE CENTS, they may be what lawyers call merely nominal damages, and yet by this Section jurisdiction of that Civil Action is given to the Federal Courts instead of its being prisecuted as now in the courts of the States"

" And if one or more of the parties to said conspiracy or combination shall do any act to effect the object thereof, all the parties to or engaged in said conspiracy or combination whether principals or accessories shall be deemed guilty of a felony' * * *"

" It is abundantly clear that the one reason the legislation was passed was to afford a Federal Right in Federal Courts because by reason of prejudice, passion. neglect, intolerance or other wise, State laws might not be enforced and the claims of Citizens to the enjoyment of rights, privileges and immunities guaranteed by the Fourteenth Amendment might be denied by the State Agencies"

" This being forbidden by the Constitution of the United States and all Judges State and National, being sworn to support the Constitution of the United States and the Supreme Court of the United States having power to supervise and correct the action of the State Courts when they violate the Constitution of the United States

there could be no danger of the violation of the right of citizens under color of laws of the states" Cong Ciooe 42 Cong 1st Sess. at App 231

14) Now, let us review the extortion by force of the Federal Court System. approximately $150,000.00 in criminal contempt punishment.

In Evenson v Holtzman Cite as 775 F. 2d 535 (1985)
In National Hockey League v Metroplitian Hockey Club , 427, U.S. 639, 642 96 S Ct 2778, 2780 49 L Ed 2d 747 (1976)

The United States Supreme Court Holds:

" On review the question is not whether the reviewing Court would have applied the sanction, but whether the District Court abused its discretion in so doing"

b) In Each v Riggins Trucking Inc 757,F 2d 557, 570,(3rd Cir. 1985)
In Roadway Express Inc. v Piper, 447 U.S. 752,100 S Ct 2455,2464 65 L Ed 488, (1980)

The Supreme Court of the United States Holds;
" In considering the imposition of a

penalty upon attorneys, we have cautioned that " like other sanctions, attorney's fees should not be assessed lightly or without fair notice , and an opportunity for a hearing onthe record"

c) Whitaker v Coleman and same v Etna Casualty and Surity Co.Nos 9443,9444 Nov. 6, 1940.

The Fifth Circuit Holds:

" We think that this will not at all do. Summary Judgment procedure is not a catch penny contrivance to take unwary litigants into its toils and deprive them of a trial, it is a liberal measure, liberally designed for arriving at the truth. Its purpose is not to cut litigants off from their right of trial by jury, if they really have evidence which they will offer on a trial."

In Illinois v Allen, 90 S Ct 1057;

The United States Supreme Court points out —

" One of the most basic of the rights guaranteed by the confrontation Clause of the Sixth Amendment is the accused's rights to be present in the courtroom at every stage of his trial"U.S.C.A. Const Amends 6, 14

In United States v Benavides, Nos. 76, 2539 Fifth Cir.

The United States Court of Appeals holds

" Appellant relies on Davis v Alska 415, 308, 94 S.Ct.1105,39 L Ed 2d 347, (1974) which upholds a defendant's Sixth Amendment right to cross-examine for the purpose of revealing possible bias, the Supreme Court held that,it was not enough to ask whether the witness was biased but questions as to why he was biased must also be permitted"

In Faretta v California , 95 S.Ct.2525

The United States Supreme Court holds:

" The Sixth Amendment does not provide merely that a defense shall ne made for the accused, it grants to the accused personnally the right to make his defense"

This is a Case where the Court has attempted to force pro se Persons against his will to obtain Counsel, which because of pre-trial publicity is impossible to find.

The Hodges Court has taken under consideration this pro se self represent-

ation which has been of adverse affect causing the Central Figure Hodges and his Co-horts to give to pro se Persons the Shaft.

This causes " The Redress of Grievances" in each of Hodges " ALL OF THESE CASES" to be denied.

This pro se Person's Constitutional rights to be raped. Whereupon the award of, or the results of, same is the extortion by force of the Federal Court System the amount of approximately $150. 000,00 in criminal punishment.

Equality and Justice for all ! A very dirty joke ! You will agree.

In Johnson v Georgia Highway Express 488, F 2d 714;

The Fifth Circuit Holds:

" Statute authorizing attorneys fees

was not passed for the benefit of attorneys"

Or to make rich attorneys even richer which does also apply to vey rich judges and other Central Figures in conspiracies, such as the co-horts of the Wheel Within A Wheel conspiracy, achieved in " Results Sought" without even a Smack of due process of law.

In Dondalson v Clark, 786, F 2d 1570 (11th Cir 1956)

The Court Holds:

" Where a criminal contempt proceeding is not a summary contempt proceeding under Fed. R. Crim. P. 42(a) to punish conduct committed in the actual presence of the court, the court must abide by the due process requirements set forth in Rule 42(b) of the Federal Rules of Criminal Procedure, Rule 42(b) Provides in part :
A Criminal contempt . . . shall be prosecuted on notice. The notice shall state reasonable time for the prepartation of the defense, and shall state the essential facts constituting the

criminal contempt charged and describe it as such. THE NOTICE SHALL BR GIVEN ORALLY BY THE JUDGE IN OPEN COURT, or, on application of the United States Attorney or of an attorney appointed by the court for that purpose by an order to show cause or an order of arrest. The defendant is entitled to a trial by jury, in any case in which an act of Congress so provides. (9) The District Court in the instant case failed, to afford Mr. Howard Barrow, the procedural safe-guards applicable to criminal contempt proceedings. The court did not inform Mr.-Howard, Barrow, in advance of the specific reason for which he might be fined. Also, the Court did not give Mr.-Howard,Barrow, a reasonable opportunity to prepare a defense against specific charges or a hearing at which to present such a defense"

Compare Kleiner v First National Bank of Atlanta , 751, F 2d 1193 (11th Cir 1985) (prior to assessing fine against party, the court gave the party notice, of specific conduct, subject to sanctions and two weeks later held a three day evidentiary hearing on the matter.
The district Court thus acted improperly in assessing the $500 fine against Mr-Howard , Barrow, $150,000.00.

The use of Section 11, as emplemented by the Wahl/Hodges Court is no less than

A Sleasy Form of Entrapment" and does constitute Cruel and unsual mental torture. More Barbaric than that of a Bunch of Wild Driveling Idiots Rule 11, is a Be Dammned if you do not , and a Be Damned if you do, depending on the Whims of the Court. , as torturous as the Iron Maiden of Nuremberg.

This Court is Urged to reverse the dismissal of these void decisions and the Sanctions imposed by corruption, within this judicial system.

There is no record of any proceeding setting forth in written form, any conclusion of any decisionmaker, indicating any evidence or any reason relied upon to substantiate the appropriateness of of any sanctions, any notice of hearing

a-42.)

on the issues, any notice of the facts any hearing on which the plaintiff founded the law and the facts of the Complaint. Any jury or any adjudication of any issue that has arisen. No written decision on anything not affected by collusion by and between the Counselors for the defendants and the Wahl/Hodges District Court. Truly a Disgrace to the Human Race .

In each of the Hodges " ALL OF THESE CASES" the decisionmaker must be impartial, there must be some record of the proceedings and the decisionmaker's conclusions must be set forth in written form, indicating both the evidence and the reason relied upon because of the Due Process Clause requires this procedure.

All decisions of " ALL OF THESE CASES " should be held un-lawful and Set Aside for reasions set forth in 5 U.S.C. § 706 (2)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

Filed Mar 25 10:52 AM '87
Clerk US Dist Court
Middle District of Florida
Jacksonville Florida

JOHN G BARROW JR

Plaintiff

VS CASE NO. 86-400-Civ-J-10

Richard L King, as a individual
Hancock/Oglethrope
Huidberg/Florida Power
And Light Company
Michael S Mullin as an individual
Charles Pickett, as an individual
Hazel Jones, as an individual
Gene R Blackweilder, as an individual
John F Claxton, as an individual
James Testone, as an individual
Douglas Jones, as an individual
Joanne Kirkland, as an individual

Defendants,

* *

SECOND AMENDED COMPLAINT
TRIAL BY JURY DEMANDED
CLASS ACTION - CIVIL RIGHTS
THREE JUDGE DISTRICT COURT
DEMANDED

##

1) This Second Amended Complaint, filed as a supplemental Amendment to the entire record.

b-2.)

and to cover events happening after this Action was filed. SEE: F.R.C.P. 15.4 & 15(d

2) Permission of the Court is not required as there has been no responsive pleadings under Rule 15(a) and McGurder v Phelps 608 F 2d 1023 (5th Cir)

FAIR NOTICE F.R.C.P. 8.3 (2)

1) This plaintiff Sues each by each, of the above Defendants for specific relief for

a) The unlawful taking or otherwise effiect ing of plaintiff's property in an unconstit utional manner, without full and just com- pensation. Who can prove otherwise ?

b) Agrivated by conspiracy, Fraud and Opp- ression, extortion by force of the District Court and R.I.C.O. with a strong interstate connection and under color of Federal Offic by Acts in excess of their deligated author ity as public officers. 69 S Ct @ P 1457 whose acts were wrongful and constitution- ally invalid. This has resulted in Plaintif

" recognized legal right" being invaded. Who can prove otherwise ?

2) This Case and Controversy from many angles, arises under the Constitution of these United States. It is for this reason that this plaintiff invokes the Constitution of the United States.

3) The Interstate Connection is very strong therefore, Plaintiff invokes R.I.C.O 18 U.S.C.A. § 1962 (d) ; 19 , 18 U.S.C.A. 51

4) This Case and Controversy has further developed with collusion of the U.S. District Court into an arbitrary taking of and otherwise legally effecting plaintiff's property in an unconstitutional manner, under color of office by acts in excess of their deligated authority as public officers 67 S Ct @ P 1013; 69 S.Ct.@ P 1457. These Acts are wrongful Acts and constitutionally invalid. Who can prove otherwise ?

5) This plaintiff invokes the Constitution

of Florida and all applicable statutes including but not limited to the following;

6) Plaintiff invokes 28 U.S.C. 1337; because of Commerce between the States being substantially involved by transmission of electricial Energy over and across lands of this plaintiff the Civil Rights Act of 1946 and 1968 reads:

" The District Court shall have original jurisdiction of any Civil Action or proceedings arising under any act of Congress regulating commerce "

Who can prove otherwise ?

7) Plaintiff invokes the Racketeer Influenced and Corrupt Orginization Act RICO) 18 U.S.C. § 1962 (d) and ' Color of Office" Electric Energy Manufactured in the State of Georgia being distributed in the State of Florida constitutes Interstate Commerce.

8) Plaintiff invokes § 19 18 U.S.C.A s 51 Conspiracy to injure , to oppress. Who can prove otherwise ?

9) This action is a Federal Civil Action relating to Federal Questions perpetrated

by Acts of Defendants in their taking of Plaintiff's private property in an unconstitutional manner, without full and just compensation. WHO CAN PROVE OTHERWISE ?

28 U.S.C. § 1331 Gen Fed Questions

28 U.S.C.A. § 1331
18 U.S.C. § 1343 No Jurisdictional limit
28 U.S.C.A. s 1343

Amendment V
Amendment XIV

42 U.S.C.A. § 1983
Damage recovery

42 U.S.C. § 1343

§ 241 Assult upon rights

42 USCA § 1985

18 USCA § 242

18 USC § 242
Sub 1 S 3169
§ ext
18 USC s 51
§ 19 18 USCA
§ 51

§ 5508
Coercion
s 241 Conspiracy

10) The Conspiracy, Fraud , Oppression by force of Law, of the District Court and R.I.C.O has already developed in the entire record. The F.R.C.P. do not require a claimant to set out in detail the Facts. SEE F.R.C.P. Rule 8.3 and Conley v Gibson 78 S.Ct.99.

11) The Parties of Interest in this Action are tremendous as this Action and the outcome thereof, effects a multitude of prop-

erty owners, Mobile Home owners and many others. However, it is the Pocket Book loss to this plaintiff, personally and to his family that makes this plaintiff a real party of interest, irrespective of the Schlesinger Mob's allegations. Plaintiff's interest in the outcome of this Case and Controversy far exceeds the test of the United States Supreme Court stated by Mr Justice Douglas delivered in Monroe v Pape, 365 U.S. 167.

UNLAWFUL EMPLEMENTATION
OF UNCONSTITUTIONAL STATUTE
AND COUNTY LAWS

This Case and Controversy requires a Three Judge District Court to adjudicate the constitutionality of each of the State or County Laws that have the recognized legal rights of the plaintiff Ham-strung even after the raping and robbing their victims rights.

CAUSES OF ACTION

More definitely stated the Causes of Action

include the unconstitutionality test of the Nassau County, State of Florida Ordinances to Wit:

a) THE COUNTY WIDE ZONING ORDINANCE No 83-19 adopted the 28th day of September 1983.

(i) to include all of its 30 articles.

(ii) to include all of its 198 sections.

(iii) and to include all of its 989 sub-sections.

b) THE COUNTY WIDE BUILDING CODE A Conglomeration and amalgamation of Ordinances No. 79-19 Ordinance No. 81-27; Ordinance No. 74-35; Ordinance No 81-25; Ordinance No 70-9 Ordinance No 85-16; Ordinance No. 81-28; Ordinance No. 85-15; Ordinance No. 73-26; Ordinance No 85-18' Ordinance No. 85-229; Ordinance No 83-9; Ordinance No 73-22; Ordinance No 86-1; Ordinance No 87-11; Ordinance No 87-4; Ordinance No 86-9 and others;

c) THE COUNTY WIDE SUBDIVISION ORDINANCE

b-8.)

Ordinance No 87-18 to include its 18 sections and subsections totaling a number beyond the imagination, as opposed to that of one subject.

FLORIDA STATUTE CHAPTER 125.67

States: " Every Ordinance shall embrace but one subject - - "

How can 30 articles, 198 sections and 989 sub-sections be written on one subject as mandated by F.S. 125.67 ?

MAZE OF SUBJECTS

Under this maze of dozens upon dozens of subjects involved in the three Ordinances is a collusion of all defendants who attempt to implement ' under color of law' a scheme incubated by public officials et al. and does involve interstate commerce with a strong interstate connection to effectuate the unlawful taking of and otherwise legally effecting in an unconstitutional manner, the private property in which this plaintiff has a sub-stantial pocket book interest in the outcome of this case and

controversy.

By the unlawful emplementation of these unreasonable Ordinances the above named defendants;

a) Place unlawful and unreasonable restrictions upon the land which are repugnant to the constitutional rights of this plaintiff.

b) The three Ordinances are Capricious, Arbitrary, discriminating, Unreasonable, Severe, unlawful and deprive the benificial use thereof.

c) There does exist no statutory provisions to deligate such authority to the above named defendants wherefore, their acts are wrongful acts.

And require the adjudication of each issue that may arise past and threatened, issue by issue.

UNLAWFUL VIOLATIONS

The unlawful violations of the plaintiff's constitutional rights that constitutes the

b-10.)

Cause of Action are reflected in the factual issues to be resolved as follows:

1) In consideration of the subdivision ordinance, ordinance no. 87-18 as it flies up in the face of Florida Statute 125.67 " Shall embrace but one subject" the court is invited to observe the following subjects in Ordinance No 87-18

a) Drainage
b) Health
c) Bond requirements
d) Road design
e) Road construction
f) Road paving
g) Flood condition
h) Comprehensive plan
i) Zoning
j) Future development
k) Layout of land
l) Recreation areas
m) Open spaces
0) Natural value of land
p) Beauty of community
q) Natural resources
r) Water table
s) Air pollution
t) Stream pollution
u) Legal description.
v) Monumention of subdivision lands
w) Traffic hazzards
x) Subdivision design
y) Sewer requirements
z) uneconomical development
(i) Private drives
(ii) Private roadways
(iii) Plats
iv) Public roadway
(v) Sidewalks

And dozens on top of dozens of other subjects including but not limited to transfer

of ownership.

Now, how can all of the above subjects amalgramated and/or scrambled into one amounts to " Every Ordinance shall embrace but one subject" ?

2) As an example, Number one, " anyone having a half acre or a three acre tract, may cut either parcel into three parcels" Now you have a subdivision. SEE Ordinance No 87-18 page 5.

3) These Ordinances are alleged by the incubated scheme of each of the Defendants to protect, promote and improve;

a) The public health
b) The public safety
c) the public confort
d) Morals
e) General welfare.
f) over crowding

of 399,164.75 acres of unincorporated lands and to provide adequate Air and Light in the WILD WILD and WOOLEY Boonies and way out behind the Boonies. Lands that 99.99 % Of the residents of Nassau County has never seen FOUR--HUNDRED-- thousand

acres of Swamp and forest lands.

4) It is undisputable duty and the unquestionable obligation of this court to determine whether or not, this unreasonable exercise of Police Power flies up in the face of Florida Statute 180.08 (1) , Amendment V and XIV the U.S. Const , Const. of Florida A-10 Sec. 6 A-1 S 2.-A-1 Sec 9

5) The court must take judicial notice tha said subdivisions of Wild and Wooley timber lands, behind the forest is an unreasonable capricious and arbitrary denial of the beneficial use of the owners land. Most of which the Native Indians never visited. The Court must determine whether or not, final agency actions is an unreasonable exercise of State Police Power constituting a taking or otherwise legally effecting private property without just compensation.

6) The defendants must prove how the subdividing of a three acre plot is the reasonable use of the State Police Power how

the subdividing of three acres of land is a menace to the public, each by each as to; a) Health.b) safety, c) Morals, d) Welfare, or if in fact, the Ordinance is to enchant the welfare of the defendants pocket books, and Bank Accounts ?

7) Also on page 5, of the Subdivision Ordinance 87-18 the Ordinance does not apply to Gifts or devise within the family. The issue here is how does the sale in a fee trade system cause a menace to public a) health, b) Safety, c) Morals, d) Welfare that is different to Gifts, and devise within the family ?

The question being why is this not discriminatory and capricious and an exceptionally unreasonable emplementation of police power ?

8) How this Police Power is differently emplemented within the family ?

9) On page 12, of Ordinance 87-18 Quote:

" The developer shall pave the COUNTY ROAD

b-14.)

or provide a paved access from the (3 acre) subdivision to connect with a paved county road or paved street (accepte by the county) Paved state road.

This court has an obligation to determine whether or not; this unreasonable exercise of Police Power flies up in the face of Florida Statute 380.08 (1) Amendment v and XIV of the U.S. Const. Const of Florida A-10 Sec 6 A 1, S 2 ,A-1 Sec 9.

10) Example, Plaintiff has a pocket Book interest in a parcel of land situate in Nassau County. The roadway within this parcel was graded approximately 17 years ago and has since been deeded to the Count of Nassau 60 Ft wide and for free.

11) At the Counties insistence the Champio Paper Company did without charge give to Nassau County an easement for about one and one half miles, for public use. This easement is recorded.

12) Then there is about one and one half

miles of public roads graded about 25 Ft wide known as the Old Baldwin Road to Wood Lane. ½ mile in length which connects to approximately three quarters of a mile of Crawford Industrial Park Blvd which connects to U.S. Highway # 301.

13) Pursuant to this Ordinance 87-18 this plaintiff is required to pave the roads across and situate upon the land of other owners for more than five miles, only because of selling the second acre.

14) It is undisputable obligation to determine whether or not; Final agency action is an unreasonable exercise of State Police Power constituting a taking or otherwise legally effecting private property without just compensation, unlawfully effecting same.

15) Further pursuant to Ordinance 87-18 page 12, of the subdivision Ordinance;

" The road shall be a private road and

and shall be maintained to the above standards by the landowner, owning the road" For the rest of the owners natural life and his heirs.

16) This court has the duty and obligation to determine whether or not, this unreasonable exercise of Police Power flies up in the face of Florida Statute 380.08 (1) This renders the owners land valueless.

17) In a three acre subdivision or larger a Public Water system is required before a Building Permit is issued. See page 30 of Ordinance No 87-18.

18) Again, this Court has an obligation to determine whether or not, Final agency action is an unreasonable exercise of State Police Power constituting a taking of or otherwise legally effecting private property without just compensation.

19) The Ordinance No 87-18 does not specify how many fire hydrants the 3 acre subdivision will require however they will

require , however they will have to be installed at the time of putting the 3 acre subdivision water system to use, This great nation has always used well water.

20) If the above be in violation of Ordinance 87-18 for a peroid of 30 days the punishment by a fine is not to exceed $15,000.00 or imprisonment of Eighteen Hundred (1800) days or both.

21) Page 19 of Ordinance No 87-18 Quote: " The more strict regulations will be enforced" as opposed to that --- that is more REASONABLE.

22) Each seperate subject of each of these Ordinances must be adjudicated as to unreasonable-ness of the use of the State Police Power especially as to how each article and section and sub-section does a) protect; b) promote; c) and improve

i) public health
ii) public safety
iv) public morals

b-18.)

v) General welfare vi) Over crowding

iii) Public confort

in the ----- 400 thousands of acres of Wild and Wooley Forest !

Each by each must be adjudicated to determine just how much each of the 18 articles and the dozens on top of dozens of subjects of this Ordinance No 87-18 does a) protect;b) promote; c) Improve the

i) public health iv) public morals

ii) public safety v) Gen.Welfare

iii) public confort vi) Over crowding

in the 400 thousands of acres of Wild and Wooley Forest land.

As another example of the unreasonable exercise of capricious and arbitrary Police power is the entire zoning ordinance of Nassau County Ordinance No 83-19

24) This entire maze of Ordinances may be appropriate in a densely populated County with a Charter, However Nassau County with

399,164.75 acres of unincorporated wild and wooley Boonies behind the forest, it is not only an unreasonable use of police power it is very severe, capricious and arbitrary depriving the owmers of their highest and best beneficial use.

GNARLED INEXTRICABLE MAZE

1) In the emplementation of the Nassau County Subdivision Ordinance No. 87-18 and the Zoning Ordinance No 83-19 is intervined the embrangled Building Code of Nassau County.

2) A muddlement of dozens upon top of dozens of Ordinances and Subjects brabbled into one gnarled inextricable maze.

3) The Nassau County Building Code Article !! Division 2, Mobile Homes Sec 7-16 permit required:

It shall be unlawful and a violation of this building code (the code adopted in section 7-6) for any person firm or corporation to hereafter erect. locate, park, MOVE ON or place a MOBILE HOME intended to use to occupancy on any site PRIOR TO THE ISSUANCE OF A PERMIT therefore

b-20.)

in accordance with sections 6 through 10 of this building code (sections 7-16 through 7-19) ; except mobile homes may be located in an approved mobile home park for a peroid not to exceed thirty days without such permit being required. (Ord. No 74 53 13- 75 Ord No 76 9,8, 10 76)

4) This is very unreasonable abuse of police power and does also amount to double taxation.

Florida Statute 320.08 (11) (a) through (h) provides for a license tax on Mobile Homes for their use. Then is applied the $200 Hate Tax as described in paragraph 3 above known as Ordinance No 74-35 and Ordinance No 76-9.

The problem being that not only is this $200 Hate Tax Double Taxation but it is also used as a Cleaver to deny Citizens of other States and other Counties from egress and ingress to and from this State and county, as it is used as a prerequisite and restriction enforced or denied ---- at the Whims of Defendant Blackwelder as

the other rubber stamp County Officials only sit stupified and wild eyed while taking no part in why or if the Move On Permit will be issued even if the $200 is paid or denied for no reason. By the use of Subdivision Ordinance No 87-18 and the zoning Ordinance No. 83-19 and the Nassau County Fuddlement entitled Building Code ---- the newcommer into this State and County must overcome ;

a) The hurdle of being on an approved road.

b) The hurdle of a septic tank.

c) The hurdle of Yellow dirt for Black folk as opposed to any loamy soil for white folk.

d) The hurdle of a culvert whether on not needed, as the county is in the culvert Business.

e) The hurdle of whims of the Board of County commissioners as to whether or not they will even allow the given party to move in this segregated society of Nassau County.

f) If the newcommer can overcome hurdle (a) through (e) thereby paying the $200 upon top of his Mobile Home Tax he can then apply for the electric permit.

If the electric permit is approved which in most cases has been constructed according to code, the same as the Mobile Home then the county will call their conspirators the defendant Florida Power and Light Company or the Federally Funded R.E.A. conglomerate known as defendant Oglethrope adivising that they, Nassau County will now allow said newcommer to use the interstate comingling Electric Energy that the Congress has said shall be regulated by the Federal Government, ONLY !

The sixty four dollar question being that no double tax $200 Hate Tax being paid or not being allowed to be paid, forecloses on the Electric inspection which in turn

forecloses on any use of interstate electric energy though it is only the Godfathers of Nassau County who has sole say-so, without any due process of law. Because of this corruption in Government ' under color of law' by the above defendants the lands of this plaintiff who is the real party of interest because of his pocket book interest, has his lands unlawfully taken in an unconstitutional manner and/or illegally effecting the property of the plaintiff so as to render the value almost nil, which stifles and restricts trade in real property. The defendant Testone will readily admit that the $200 Hate Tax has the intendment of circumventing the Homestead Exemption tax. This is extremely discriminatory of a class. The unlawful violations of the plaintiff's rights by all of the defendants in collusion to injure plaintiff, by their unlawful use of power --- not deligated to them by law cannot be best expressed

as being only an unreasonable use of police power capricious or arbitrary.

Their abuse of police power is best described as just plainstupid and insane. to pass regulations ;

a) that require the individual to pave county roads.

b) Regulations that the individual is to maintain the county owned paved roadway.

c) To install a public water works and fire hydrants in a three acre subdivision.

d) To pay a $200 dollar hate tax if allowed to move in at all, which is repugnant to the forming of the United States as a Union.

e) To restrict trade in the field of interstate electric energy.

f) To restrict trade in the field of real property by the using of zoning as a substitute for eminent domain proceedings.

The above is only the Skin of Corruption. 20 pages cannot do this Atrocity justice.

It is ever so correct to say that the comingling of these Ordinances does constitute an unlawful taking in an unconstitutional manner and/or illegally effecting the property of this plaintiff which is a wrongful act committed by the incubation of the scheme by each and all of the defendants.

Joanne Kirkland is just as involved ' under color of law' as any of the other defendants. --- The entire set of Ordinances is geared for use on Subdivisions of 300 Units or more and completely deprives the small landowner of all his constitutional rights and privileges especially property rights.

The total effect to the average citizen is the unlawful taking of property in an unconstitutional manner and/or otherwise legally effecting in an unlawful manner, the beneficial use of the property in its highest and best purpose.

b-26.)

SUPPLEMENTAL AMENDMENT

As stated on the front page of this instrument this Second Amended complaint is a supplemental amendment to the Amended complaint and the original complaint. The entire record.

Therefore, there is no good reason to repeat.

MEMORANDUM OF LAW

1) Restrictions must be supportable as a proper exercise of police power and ZONING CANNOT be used as a substitute for eminent domain proceedings to defeat constitutional requirements for payment for just compensation.

2) For recent cases in the subject SEE: Walker v Board of County Com'rs of Talbot County 208 Md 72 90 116 A 2d 193 Cert den 350 U.S. 902 76 S Ct 180 100, L Ed 792 and; Grant v Mayor and City Counsel of Baltimore 212 301, 314 129 A 2d 363.

3) Eminent domain Key 2 (1) Property totally destroyed or rendered valueless is " Taken within constitutional provision as to eminent domain. Property which is totally destroyed or rendered valueless is " taken within Const. Art 1 Sec 22 providing that private property shall not be "taken or damaged for public use without just compensation.

4) In U.S. v Lynah 188 U.S. 445 23 Sup Ct 349 47 L Ed 539

The Supreme Court holds:

" If totally destroyed or rendered valueless it amount to a taking within the meaning of the Constitution".

5) Eminent Domain Key 90

Acquisition of title or total destriction of value is not essential to " taking for which compensation must be paid " Const. Amend 5.

6) Were we to sustain the constitutionality., of the act, there would be no limit to which the Legislature might go in depriving persons of the use of private property under the guise of the police power"

7) In Portsmouth Harbor Land & Hotel Co v United States 260 U.S. 327 43 S Ct 135 67 L Ed 287.
In United States v Welsh 217 U.S. 333 30 S Ct 527 54 L Ed 787 28 L.R.A. (N.S.) 385 19 Ann Case 680

The United States Supreme Court holds:

" Acquisition of title is not essential to " taking" nor is total destruction of value essential. Impairment of value is sufficient"

8) " The issue was not whether the title passed but " Was there a Taking " ?

9) Eminent Domain Key 2 (1)

b-28.)

Zoning regualtions according to comperhensive plan and in general public welfare may place restrictions on use of propeven though restrictions result in serious fincial loss to owner.

10) The power to zone is an exercise of police power which the State has granted to all municipalities. This power must be exercised in a reasonable manner and not arbitarily discriminatorily or capriciously; and it must be exercised so as to secure the public and it must be exercised so as to secure the public health safety morals and welfare of the public"

11) A municipality in exercising the power deligated to it must act within such deligated power and cannot go beyond it. Where the statute sets forth the procedure to be followed no governing body or subdivision hereof has the power to adopt any other method of procedure. Grogan v De Sapio 11 N.J. 308 94 A 2d 316 (1953) Gainnone v Carlin 20 N.J. 511 120 A 2d 449 (1955)

12) Counties Key 47

Powers granted to County Commissioners should be strictly construed"

13) A zoning restriction may be regarded as arbitrary and unreasonable as to a property owner who is unable to use property for any permitted purpose and hence is deprived of all beneficial use thereof.

14) Eminent Domain Key 2 (1)

A zoning ordinance which permanently so restricts use of property that it

cannot be used for any reasonable purpose goes beyond permissable regulation and must be regarded as taking of property without compensation.

15) In Arverne Bay Const Co v Thatcher 278 N.Y. 222 15 N.E. ed
In Hoffman v Mayor of Baltimore 197 Md 294 79 A 2d 367
In Northeast Merchants Terminal Inc. v O'Rouke 191 Md 171 60 A 2d 743;

These courts hold:

" Thus, we affirm the doctrine that a zoning ordinance which permanently so restricts the use of property that it cannot be used for any reasonable purpose goes beyond permissable regulation, and must be regarded as a taking of property without cpmpansation.

16) " A zoning restriction may be regarded as arbitrary and unreasonable as to a property owner who is unable to use his property for any of the permitted purposes and is therefore deprived of all beneficial use thereof.

17)Eminent Domain Key 2 (1)

Interference with use of property to owner's prejudice with resulting diminution in value thereof is " Taking of private property for public use without just compensation.

The taking of property under that provision of the constitution does not always mean the actual taking by the process of obtaining the physical possession of the property.

b-30.)

When the use of property is interferred with to prejudice of the owner and there is a diminution of the value of the use of the property that is a taking within the meaning of the Constitution.

The question of constitutionality of the above named Crdinances is herewith at least to the Federal Constitution being first raised in a Federal Court. That Court as shown by the above cities and factual unlawful and unreasonable use of police power asserted by collusion of the defendants has a right to decide to the exclusion of all other Courts SEE: Ex parte Young 209 U.S. at page 160

Plaintiff is entitled to relief. The relief that can be granted is for this court to find that the above mentioned Ordinances are unconstitutional or at least unlawfully emplemented and unlawful and an unreasonable use of police power both capricious and arbitrary.

* * * Plaintiff cannot build paved roads on county owned property at his own expense.

* * * Plaintiff cannot maintain roads for

life and that of his heirs at their expense.

* * * Plaintiffs pocket book interest in the property situate in Nassau County as a results of the Ordinances has been unlawfully taken and/or otherwise illegally effected without just compensation, so as to render it valuless and without meaningful use.

* * *Plaintiff demand relief as found appropriate by this Federal Court.

* * * Plaintiff offers to amend this complaint if not found to be meet and proper by this court, Nassau County is not a CHARTERED COUNTY. The Duval styled Ordinances is not appropriate and are unreasonable for Nassau County Swamps and Boonies. Nassau County is not a Municipality. Nassau County must use as a criterian F.S. 163.370 (6) as well as F.S. 163.375. Chapter 163 cannot be used to substitute the United States Constitution to render 399,164.75 acres of woods valuless except as governed

by the Whims of Defendant Mullin and Defendant Blackwelder so as to cause the landowner on the unincorporated side of the County to pave their own roads to provide for the present sources of road money to be used on the Fernandina side of the County.

Wherefore, Nassau County zoining Ordinance No 83-19 and Nassau County Building Code and Nassau County Subdivision Ordinance No 87-19 will be found to be an ever so unreasonable use of police power and an unconstitutionally class based individually discriminatory animus behind the conspirators action.

Respectfully submitted

John G Barrow

JOHN G BARROW JR
A Layman without legal education
Rt 1 Box 470, Callahan Fl 32011

I hereby certify this 26th day of March 1987 I did furnish a true copy of the above to counsel of record

John G Barrow

John G Barrow Jr

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

Filed Jul 7 11;41 AM '87
Clerk Dist Court
Middle District of Florida
Jacksonville, Florida

JOHN G BARROW JR

Plaintiff

VS Case No 86-400-Civ-J-Magis

RICHARD L KING, as an individual
Hancock/OGLETHROPE
HUIDBERG/FLORIDA
POWER AND LIGHT COMPANY
MICHAEL S MULLIN, as an individual
CHARLES PICKETT, as an individual
HAZLE JONES as an individually
GENE R BLACKWELDER, as an individual
JOHN F CLAZTON as an individual
JAMES TESTONE, as an individual
DOUGLAS JONES as an individual
JOANNE KIRKLAND as an individual
WADE T SPARKMAN as an individual
DOLIVIN FREEMAN, as an individual

Defendants,

* *

THIRD AMENDED COMPLAINT
JURY DEMANDED

##

This Third Amended Complaint to the entire record is to cover events after this action

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was filed pursuant to F.R.C.P Rule 15.5 and Rule 15(d) since there has been no responsive pleading Rule 15.5 (a) and McGurder v Phelps 608 F 2d 1023 (5th Cir) is to be treated as an amendment to the plaintiff's complaint , amended complaint first amended complaint and second amended complaint.

CAUSE OF ACTION

This action is in itself a Test of the extremely unreasonable usurpation of Power to impose upon the landowners and those affiliated with them, a nonrational capricious, tyrannical, absolute taking of the private property without full and just compensation which amounts to acts which are both wrongfully arbitrarly and repugnant to our United States Constitution, the Constitution of Florida and all applicable Statutes both Federal and State. These Ordinances the Nassau Zoning Ordinance of the

Boonies Nassau County Building Ordinance of the Boonies, Nassau County Subdivision Ordinance of the Boonies are emplemented in Bad Faith and ignorance, complicated by stupidy and incompetence. Because of this Horrific abortion of the Constitutional rights of this plaintiff and others being first complained of in this Federal Forum it is the unquestionable obligation and duly constituted duty for this Federal Court to impanel a Three Judge Federal Court to determine whether or not the wrongful acts complained of are unconstitutional acts and that a judgment in favor of this plaintiff should be entered.

P O L I C E P O W E R

The police power of no State is absolute If any of the zoning Building codes or subdivision ordinances are for the legimate goal of furtherance of the Health, Safety Welfare of citizens of these Boonies it

should be spelled out either by the defendant Tyrants or by this court whether or not, it is for the Coons or the Opossums that are honored. There are absolutely no Human Beings for miles around whose health safety and welfare can be in good faith submitted. Just what statute authorizes this discrimination of the Coons and the Oppossums ?

R A C K T E E R I N G

The truth of the matter is all of the barefaced facts will show that these ordinances the zoning ordinance the building ordinance and subdivision ordinance as applied to the Wild and Woolie Boonies are dogmatic, capricious usurpation of the power not authorized by any statute or Chapter to dictate as to who shall and who shall not have the opportunity to PURCHASE THE RIGHT to purchase at a cost of two hundred dollars ($200) the use of the comingling interstates Electric Energy and

if not, without any Due Process of law whatsoever !

CLEAR CUT UNREASONABLENESS

With zero Human population how unreasonable can the zoning of the Boonies be ? With absolutely no human dwelling for . miles in all directions whose health, safety and welfare is the slightest concern other than the pocket book welfare of the TAX AND SPEND DEFENDANTS ? THERE CAN NO LEGITIMATE PUBLIC PURPOSE !

A R B I T R A R Y

To begin with zoning is valid for Municipalities, if granted by the Legislature. This can include all of any County with a Charter. Nassau County is a Rural, under populated maze of Wild and WoolieBoonies, 399,164.75 acres which has little or no inhabitance and certainly Nassau County is not over crowding or obsolence.

Right out in the sight of God with no shortage of Good Clean Air and Sunshine.

HOW ARBITRARY IS ARBITRARY ? With no human population for miles and miles in all directions.

a) How nonrational can this usurpation of power go ?

b) How capricious can the landowners be dealth with ?

c) Each request for a privilege to purchase the right to request a Electric hookup has man prerequisites or one may be flatly refused at the whim of Defendant Blackwelder.

d) Each prerequisite is done capriciously and at the pleasure of one distator Defendant Blackwelder.

e) Blackwelder alone cannot commit such atrocious acts ALONE

need more be said about the co-conspiring defendants named above ?

Z O N I N G A L O N E ?

True, the Legislature of Florida has empowered Non-Chartered Counties to zone pursuant to F.S. 163.355 O N L Y ,

a) First an area which is over crowded is to be designated. There does exist no such area as a rule in the day light hours no human can be seen in Page subdivision.

b) If such area exists pursuant to F.S. 163.355 then that area is to be condemned. And the owners are to be fully and justly compensated.

c) Then and only then, can Nassau County zone anywhere and then only in that condemned area O N L Y .

NO DESIGNATED AUTHORITY

The defendants can show no designated statutory authority to Zone anywhere , any thing except as provided by F.S. 163.355 and then only if the area of the property as provided in F.S. 163.355 is condemned and fully and justly compensated for. HOWEVER LET US TAKE AN ACTUAL CASE IN POINT.

In Section 20 Township 13, Range 24 E the prpoerty in question there does exist but three or four dwellings three and one half miles distance to the South. In all other directions there is absoultely no inhabit ance with two legs only.

Nothing but wild and woolie woods that would scare almost to death 90% of all inhabit- ance of Jacksonville. No stores,no homes no Tents, no Civilization -- nothing other than wild and woolie woods.

Seventeem years ago there was a 60 Ft wide Graded road built by this Orator. these roads have since been deed to the County of Nassau and recorded.

The Champion Paper Company has given for free a 30 Ft to 60 Ft public easement which is recorded. This connects the prop- erty in question to the Old Baldwin Road which is admitted by Nassau County as being a Public Road. The matter of public access is beyond questioning, however, the subdi-

vision Ordinance requires the landowner to pave approximately five miles of road to connect the sale of one acre in question to U.S. Hidgway 301. Every inch of this five mile strip belongs to Nassau County or Champion Paper Company or the State of Florida. Not one inch belongs to the landowners who bought or sold the one acre. This same ordinance requires that the owner who sold the one acre, not only to build five miles of paved road but also to maintain said paved road for eternity which is a long, long time, with such clear cut unreasonableness , absurdity and arbitrary enforcement with absolutely no substantial relationship to public Health, Safety, Morals and general welfare need reasonableness be questioned ? Need more be said ?

PREREQUISITES KNOWN AND OTHERS UNKNOWN

In order to be allowed to purchase the

the comingling interestate electric energy which has been installed on this property ever since the year of 1971, Nassau County and HRS does demand a long list of prerequisites before being allowed to purchase the interstate current.

a) In most cases an approved culvert is required. Nassau County State of Florida sells at retail this culvert otherwise there is no electric current available.

b) A septic tank must be installed with the only criteria of construction that will pass is the whims of a highly unquailified Environmentlist with a very narrow mind, otherwise there is no electric current available.

c) The road must be paved by the landowner and at the landowners expense for the five miles or fifty miles to the State and Conty paved road. Otherwise no electric current. is available.

d) This road construction that can run in to millions of dollars is to be maintained

by the landowner even though the right of way belongs to the county or the Department of transportation, or no electric current is available.

e) Fire hydrants are required to be installed Sec. VI of the Subdivision Ordinance. These regulations are for three acres or more.

f) Subdivision Ordinance 87-18 of Nassau County requires the owner to give to the County Parks and Playgrounds.

g) Variances (special privileges) are to be bought and sold.

h) The MOVE ON PERMIT is to be purchased at $200 if a Mobile Home this amounts to double taxation and corruption in government. This may be denied and is without any due process of law and at the Whims of Defendant Blackwelder.

i) Enforcement Section XIII is not to exceed $500.00 per day or 60 days imprisonment or both.

And each day is a seperate offence.
Which can amount to millions of dollars
or life imprisonment or both.

j) Anv conflict is to be dealt with not the most reasonable but Quote " the more strict regulations will be enforced".

CASE IN POINT

On the 23rd day of October 1985 Mr Schson Lee Blitchington after purchasing his acre and applying for and to install a septic tank and did comply with other prerequisites was faltly denied a " Move On Permit" naturally Mr Blitchington's land had been taken because of unreasonable regulations and arbitrary enforcement of regulations had rendered his property worthless.

SECOND CASE IN POINT

One hundred feet away Mr Scott Conley did purchase another parcel of land on the 12th day of July 1986 whereupon Mr Conley was denied a " Move On Permit" because of the lack of five miles of paving not being

installed at this plaintiff's expense. Naturally Scott Conley and his wife gave up their land because of Nassau County regulations causing their property to be taken as it has been rendered worthless because of Nassau County regulations ever so bias and arbitrary.

THIRD CASE IN POINT

On the 1th day of June 1987 Elizabeth B Crews applied for a permit to have a septic tank inspected in an effort to be allowed to purchase " A Move On Permit" on the land which they reside without electric current. This septic tank system has not been approved. For one reason even though the land is 92 Ft above sea level the Environmental Health Specalist demands that the oversized tank be elevated up in the air with a sump-pump and closing tank being. installed or that the mobile home and motor home be placed up high in the wind on stilts, obviously this renders this property worthless

because of ungodly regulations by the State of Florida Health Department's wrongful act in co-hoots with the remainder of the rackteering defendants.

Therefore Mr and Mrs Crews and their five sons cannot move on to the land on which they already dwell.

Defendant Florida Power and Light Conglomerate has had for 17 years or longer electric current on the property however, this electric energy is not available to the Crews or anyone else. Why ? because plaintiff will not and cannot pave five miles of Nassau Counties roads.The timber Company roads and the State of Florida road.

One Wade T Sparkman and one Dolvin Foreman is added as defendants to this filthy corrupt racketeering involving interstate comilngling electric energy.

DUTY OF THE UNITED STATES

a) It is the unquestionable duty of this United States District Court to determine:

1) Whether or not: The Nassau County Ordinance 87-18 regulating subdivisions is constitutional and if same is being constitutionally emplemented or in an ex post facto manner ?

2) Whether or not: The Nassau County Chapter seven Building and Building regulations is constitutional and if these ex post facto regulations are constitutionally being emplemented ?

3) Whether or not: The nassau County zoning Ordinance with its overbroad coverage of the entire County in defiance of F.S. 163. 355 is constitutional and if this ordinance is being emplemented in a constitutional fashion or in a ex post facto manner ?

4) Whether or not: These capricious and ambigious ordinances and dictitational emplementation without " due process of law " does in fact constitute the taking of private property and otherwise wrongfully rendering this property valueless and not

usable to its highest and best use without full and just compensation ?

5) Whether or not: This arbitrary emplementation of these three ordinances does involve corruption and racketeering in interstate commerce or more specifically, stated with the comingling interstate electric energy ?

6) Whether or not: This court will find the properties involved to be fully and justly compensated for because of this taking and if the other damages stated in the entire record will be granted ?

7) Whether or not: this Court will enter judgment to compensate those damages ?

AMENDMENT TO THIS PLAINTIFF'S FRIVOLOUS COMPLAINT

For emphisis, this amended complaint is to be treated as an amendment to the entire record.

BEYOND QUESTIONING

a) With Zero population in the greatest

majority of the 390,000 wild wild Boonies of Rural Nassau County, that any Legi imate public purpose rationally related to any end sought to be achieved other than racketeering enterprises is beyond questioning.

b) With so many arbitrary and unreasonable prerequisites so capriciously so tryann-ical and so absurd, so prepossterous so arragantly distrubing man and his rights and possessions how can any concern for the public health, and public safety the public morals and/or the public welfare be intelligently anticipated by such an un-godly maze of Government Regulations as applied to the Wild, Wild and Woolie Boonies, of rural Nassau County Florida ?

c) With zero population ?

(i) Whose safety ?

(ii) What public ?

(iii) Whose morals ?

(iv) Whose welfare except that of the

Welfare of the Pockets of the above named defendants. Blackwelder's power of making loans at the Florida National Bank is the deciding factor in Nassau County.

There lies the S T I N G E R, as whose safety what public and whose welfare ? The Deep Deep Pockets in Blackwelder's control. A conflict in interest of the Citizens of Nassau County's welfare.

The potential of loans on $100,000 to $500 000, homes as opposed to a $15 to $25 thousand dollar Mobile Home.

A FOURTH CASE IN POINT

In reference to the Genius, the Enviromental Health Spec alist Mandate to emplement the Sparkman law.

a) Mr Sparkman stated that Mr Crews septic tank has to be elevated 25 inches as opposed to the septic tank that was installer totally below the surface of the lot next to Crews. 17 years ago, giving absol-

utely no problem to this date.

b) Mr Sparkman stated that the reason for the irrational, silly and absurd elevation of this tank is because of the organic soil the same as the soil next door to Crews, for 17 years being out of the flood zone means nothing to Sparkman !

c) Mr Sparkman is not interested in the elevation of this property which is 92 feet above sea level. Sparkman apparently does not understand the meaning of elevation.

d) Mr Sparkman is not interested in the four other permits previously issued in recent months by the same Health Department. All of which call for below the surface installation, as opposed to Sparkman's installation in the Sky.

e) Mr Sparkman has stated that he is not interested in the regulations on the book, conversly, " in the current law only" ---

that of the Sparkman law, which is orchestrated by ear ! Immoderate, exorbinant, unreasonable, capricious, arbitrary confiscatory, foolish, unwise, absurd silly, preposterous, senseless, none of these fully express this interuption and disturbing of Man in his rights and possessions. So let us try STUPIDY and/or IGNORANCE !

SPARKMAN's PREREQUISITES

a) One of Sparkman's prerequisites to the installation of a septic tank is the County Paved road requirement. SEE the SUBDIVISION ORDINANCE 87-18.

b) " A drawing of proposed dwelling " See Chapter 7 of the BUILDINGS and BUILDING REGUALTIONS with the muddlement of dozens upon top of dozens of Ordinances and subjects barbled into one gnarled inextricable maze.

c) " The amount of property" and " Proper site plan" SEE ZONING ORDINANCE of Nassau

County 83-19 which is written for Jacksonville Duval County a Chartered County. Nassau a rural maze of 390,000 acres of Wild Boonies is NOT a Chartered County. Dolvin Foreman's letter to back up Sparkman, is about the same. What earthly relationship does the road access and the specific structure or proposed dwelling have to do with the function of the sewer system ? The size requested by HRS in the area is 750 gallon, all tanks on the property are 900 gallon. The tanks that have been installed exceed the standards of the God Almighty enviromental Health Specialist. The drain field , required by Sparkman is 4 inch -- as opposed to the 12 inch already installed. Sparkman has tested the soil by hand going down two feet only, while the owner has found it necessary to go 19 feet or more to the water table, while drilling by machinery in many many locations on the

same property.

Is reasonableness and that of being arbitrary beyond questioning ?

In a recent decision by our United States Supreme Court in a 6 to 3 decision ;

" Regulations such as zoning ordinance impose new limits on an owners use of land may amount to a taking for which the constitution requires just compensation"

And the Court Said :

" That compensation may be required even if the taking is not permanent"

Need more be said ?

Let us view this situation from another angle. Suppose Health almighty Sparkman had have been the Great Environmental Health Specialist who engineered the installation of a sewer system at the Judge's home . Can you imagine how ungodly red the Judge's face would be when you approached the Judge's home with his back yard and his side yard with his dwellig on STILTS ? Do you suppose he, the Judge would be proud

of his lawn and his trees with all the pretty flowers all accented with his sewer System, buldging out of the ground, even though he lived ninety-two feet above sealevel and way out behind the Boonies, so as to enjoy nature, with his sewer system buldging up into the sky ? All because of the Genius Sparkman ? Would this Vulgar appearance of the landscape of the Judge's home tell you just what Kind of Federal Judge lived at that address, or just what Smart Slick or impudent Environmental specialist had placed such an uncouth curse upon the Judge's Home Sweet Home ? Does this predominating contenance of a Man's Castle have to be that of his sewer system, up in the sky like that of hanging his Butt on his sleve for all the World to see ?

Federal Rules of Civil Procedure Rule 7(a) mandates " There shall be a Complaint AND AN ANSWER.

b-56.)

Federal Rules of Civil Procedure Rule 8;

(b) Defenses; Form of Denial:
" A party shall state in short and plain terms his defenses to each claim asserted and shall admit or deny the averments upon which the adverse party relies "

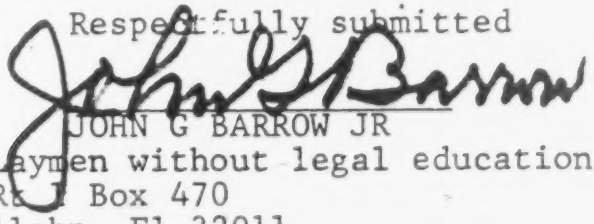
(d) Effect of failure to deny:

" Averments in a pleading to which a responsive pleading is required other than those as to the amount of damage are admitted when not denied in the responsive pleading"

What more can be said ?

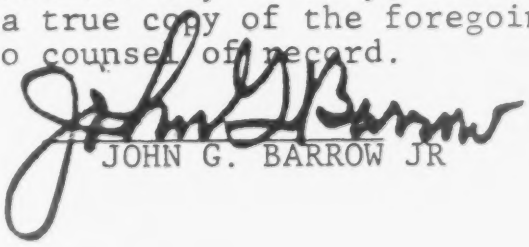
This court is obligated to hear this case at the earlest possible moment.

Respectfully submitted



JOHN G BARROW JR
A Laymen without legal education
Rt 1 Box 470
Callahn. Fl 32011
904-845-2475

iI CERTIFY this 7th day of July, 1987 , I did furnish a true copy of the foregoing instrument to counsel of record.



JOHN G. BARROW JR

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

FILED Apr 15 2:55 PM '87

JOHN G BARROW JR

Plaintiff,

-vs- CASE NO. 86-400-Civ-J-10

RICHARD KING et al

Defendants

_____/

O R D E R

The Magistrate's recommendation that this case be dismissed with prejudice and that Rule 11 F.R.Civ. P sanctions of costs and attorney's fees be assessed are upon due consideration. ADOPTED.

This case is again referred to the Magistrate to conduct all further proceedings necessary to determine and recommend the appropriate amount of costs and attorney's fees. An appropriate judgement will then be entered dismissing plaintiff's claims with prejudice and awarding fees and costs to the defendants.

c-2.)

IT IS SO ORDERED at Tampa, Florida this 15th day of April, 1987.

/s/ WM Terrell Hodges
UNITED STATES DISTRICT JUDGE

Copies to Counsel

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

JOHN G BARROW JR

Plaintiff

VS CASE NO. 84-400-Civ-J-10

RICHARD KING et al

As an individual

Defendants;

REPORT AND RECOMMENDATION

This case was referred for a determination of appropriate Rule 11 sanctions for attorney's fees and costs. No claims having been asserted, this case should be dismissed. 1

DONE AND ORDERED at Jacksonville, Florida this 26th day of January, 1988.

/s/ Harvey E Schlesinger
United States Magistrate

Copies To;

Hon Wm Terrell Hodges

Mr John G Barrow jr

c-4.)

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Callahan, Florida 32011

Gegory A Presnell
Post Office Box 231
Orlando, Florida 32802

Michael S Mullin
Post Office Drawer 1563
Fernandina Beach, Fl 32034

Stephen H Durant
3000 Independent Square
Jacksonville, Florida 32202

Any party may file and serve objections hereto within ten days after service of this opinion. Failure to do so shall bar the party from a de novo determenation by a district judge of an issue covered herein and from attacking factual findings on appeal. See 28 U.S.C. § 636; Thomas v Arn 106 S Ct 466 (1986); Nettles v Wainwright 677,F 2d 404) en banc) (5th cir) Unit B 1982; Rule 72 (b) Federal Rules of Civil Procedure and loacl Rule 6.02

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

Court of Appeals
Eleventh Circuit
Feb 10'89
Clerk

No. 88-3286

JOHN G BARROW JR
Plaintiff-Appellant

versus

RICHARD L KING, HURBERT H HANCOCK
OGELTHROPE POWER CORP et al

Defendants- Appellees

- - - - - - - - - - -

Appeal from the United States District Court for the Middle District of Florida

- - - - - - - - - - - -

O R D E R :

Appellant's motion for protective order is denied

Appellant's second motion to amend is denied.

/s/ Gerald Bart Tjoflat
United States Circuit Judge

PER CURIAM:

In this case, appellant claims that the appellees conspired to deprive the owners of mobile homes in Nassau County, Florida including himself of electrical energy for their homes. According to appellant the appellees achieved the object of their conspiracy by imposing burdensome conditions for one seeking an electrical hookup. These conditions in the form of regulations, he alleges, operate to deprive these home owners of their property without due process of law or just compensation. The district court dismissed appellant's complaint because it does not contain allegations of fact that would permit one to conclude that any of the appellees had done anything to violate any of appellants constitutional rights. We agree that the complaint is deficient in this respect; it contains many conclusions of wrongdoing but no fact which indicate such .
The district court's judgment is AFFIRMED

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 88-3286
Non-Argument Calendar

D.C. Docket No. 86-400

JOHN G BARROW JR
Plaintiff- Appellant

Versus

RICHARD L KING, HURBERT H HANCOCK
OGLETHROPE POWER CORP et, al.

Defendants-Appellees

- - - - - - - - - -

Appeal from the United States District Court for the Middle District of Florida

- - - - - - - - - - -

Before TJOFLAT, JOHNSON and HATCHETT
Circuit Judges

J U D G M E N T

This cause came on to be heard on the transcript of the record from the United States District Court for the Middle District of Florida, and was taken under submission by the Court upon the record and briefs on file, pursuant to Circuit Rule 34-3;

ON CONSIDERATION WHEREOF, it is now hereby ordered and adjudged by this court that the judgment of the said District Court in this cause be and the same is hereby AFFIRMED:

c-8.)

IT IS FURTHER ORDERED THAT plaintiff-appellant pay to defendants-appellees the costs on appeal to be taxed by the Clerk of this Court.

Entered: February 10, 1989
For the Court: Miguel J Cortez
Clerk

By _____
Karleen McNabb
Deputy Clerk

ISSUED AS MANDATE : Mar. 8, 1989

CHAPTER (d.)

UNITED STATES DISTRICT COURT
Middle District of Florida
Jacksonville Division

Filed Apr 5 3:39 PM '85
Clerk of District Court
Tampa, Florida

IN Re: JOHN G. BARROW JR,

_____/

O R D E R

Attached is a summary prepared by the Clerk describing 20 seperate actions in The Jacksonville Division of this Court within the last three years by John G. Barrow Jr, .It is apparent from a review of those cases that the Defendant has abused the processes of the Court; has abused and harassed the numerous Defendants called upon to defend against his frivolous and vexatious claims; and has abused the prec-

ious judicial resources of this Court at the incaloulable expense of other citizens and litigants of the Middle District of Florida seeking a prompt and expeditous adjudication of their meritorious claims.

Accordingly, the Clerk of this Court is hereby enjoined from accepting for filing from John G. Barrow Jr in any pending or future case, any further pleadings or parers of any kind what so ever unless such pleadings or papers (1) are signed by a member in good standing of the Bar of this Court . or (2) are tendered for filing by Mr Barrow in a case brought against him as a defendant by other party or parties; or (3) are tendered for filing by Mr Barrow to inveke the

Court's jurisdiction pursuant to

28 USC § 2254 for collateral review

of a State Court criminal conviction

of him as a Defendant.

IT IS SO ORDERED

DONE AND ORDERED AT TAMPA, FLORIDA

this 5th day of April 1985 3:30 P.M.

/s/ Wm Terrell Hodges
United States District Judge

d-4.)

UNITED STATES DISTRICT COURT
Middle District of Florida
Jacksonville Division

Filed Aug. 7 9:15 AM '85

JOHN G. BARROW JR

Plaintiff,

VS. Case No. 84-64-Civ-J-16

IRENE SCOTT as an individual
Internal Revenue Service

Defendants

John G. Barrow Jr

Plaintiff,

vs Case No. 84-104-Civ-J-14

American Telephone And
Telegraph Co. et.al.

Defendants

JOHN G. BARROW JR

Plaintiff,

vs. Case No. 84-135-Civ-J-14

Winifred S Hill, Tax Collector
St Johns County

Defendant.

JOHN G. BARROW JR

Plaintiff,

vs. Case No. 84-414-Civ-J-16

CHARLES HOOD and Mike Noone

Defendants,

John G. Barrow Jr,

Plaintiff,

vs Case No. 84-437-Civ-J-16

Eleanor B Hawkins, et al.

Defendants

John G. Barrow Jr,

Plaintiff,

vs Case No. 84-456-Civ - J-14

Haverty Furnirure et al
Defendants

d-6.)

John G. Barrow Jr

Plaintiff,

vs Case No. 84-588-Civ-J-12

T.J. Greeson Clerk et al.

Defendants

John G. Barrow Jr

Plaintiff

vs Case No. 84-589-Civ-J-14

JAMES HARRISON, et al

Defendants

John G. Barrow Jr

Plaintiff,

vs. Case No. 84-590-Civ- J-16

D.A.C. Corporation of Florida
et al.

Defendants,

John G. Barrow Jr

Plaintiff,

vs. Case No. 84-981-Civ-J-16

The Farmers Home Administration

Defendants

John G. Barrow Jr

Plaintiff,
vs. Case No. 84-982-Civ-J-14

Jack Reed, et al

Defendants

John G. Barrow Jr,
Plaintiff,
vs Case No. 84-1191-Civ-J-12

Harold B Wahl, et al

Defendants,

John G. Barrow Jr
Plaintiff,
vs. Case No. 85-91-Civ-J-12

H. Ray Walker, Tax Collector
Columbia County

John G. Barrow Jr
Plaintiff
Vs Case No. 85-160-Civ-J-14

Carl "Bud" Markel

Defendant

---

d-8.)

JOHN G. BARROW JR

Plaintiff,

VS. Case No. 85-287- Civ-J-12

JIM BISHOP, Jr, Tax Collector
and as an individual,

Defendant,

- - - - - - - - - - - - - - - - - - - -

O R D E R

Pursuant to the Addendum to the Jacksonville and Ocala Division Case Assignment to the Honorable Wm. Terrell Hodges for final disposition.

Concurrent with this reassingment, and in accordance with Local Rule 6.01 (c) (18), all pre-trial proceedings non-dispositive motions, and any applicable preliminary or pre-trial conferences are hereby referred to United States Magistrate Harvey E Schlesinger, who shall be responsible

for the conduct, supervision and determination of all such matters. Pursuant to Fed. R.Civ.P. 72(b), all dispositive motions are also referred to Magistrate Schlesinger, who shall promply conduct such proceedings as are required, and subsequently prepare and forward to me a recommendation for the disposition of the matter, along with proposed findings of fact when appropriate. Although this court has previously entered an Injunction against plaintiff's filing of additional materials (see Order dated April 5,1985) nothing in that Order shall preclude Plaintiff and/or the other parties from consenting to permit Magistrate Schles-

inger, to conduct any and all future proceedings including a jury or non-jury trial, and thereafter to enter final judgment in a particular case. The form of such consent should be governed by the provisions of Fed. R.Civ-P. 73 (b) and (c).

DONE AND ORDERED this 5th day of August 1985, in Tampa, Florida.

/s/ Wm Terrell Hodges
Chief Judge

Copies to Mr. John G Barrow Jr
Route 1 Box 470
Callahan, Fl. 32011
Counsel of Record.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Jacksonville Division

Filed Aug.15 4:35 PM '86
U.S. Dist.Court
Tampa, Fl.

JOHN G. BARROW JR

Plaintiff,

-vs- Case No. 84-104-Civ-J-10

AMERICAN TELEPHONE and
TELEGRAPH CO. et al

Defendants,

JOHN G. BARROW JR

Plaintiff,

-vs- Case No. 84-135-Civ-J-10

winifred s. hill Tax Collector
St Johns County

Defendants,

JOHN G. BARROW JR

Plaintiff,

-vs

Case No. 84-191-Civ-J-10

ROOSEVELT BAKER JR

d-12.)

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 84-192 -Civ-10

VERNON DOUGLAS and
EUGENE CHRISTIAN
Defendants,
_____/

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 84-412-Civ-J-10

T. BUCKINGHAM BIRD et al
Defendants,
_____/

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 84-414-Civ-J-10

CHARLES HOOD and MIKE NOONE
Defendants,
_____/

John G. Barrow Jr
Plaintiff,

-vs- Case No. 84-437-Civ-J-10

ELEANOR B. HAWKINS et al
Defendants
_____/

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 84-456-Civ-J-10

HAVERTY FURNITURE COMPANYet.al
Defendants
_____/

JOHN G. BARROW JR,
Plaintiff

-vs- Case No. 84-1191-Civ-J-10

HAROLD B. WAHL, et.al.
Defendants,
_____/

JOHN G. BARROW JR
Plaintiff

-vs- Case No. 85-91-Civ-J-10

H. RAY WALKER, Tax Collector
Columbia County
Defendant,
_____/

JOHN G. BARROW JR
Plaintiff

-vs- Case No. 85-160-Civ-J-10
CARL "BUD" MARKEL
Defendant
_____/

d-14.)

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 85-160-Civ-J-10

CARL "BUD" MARKEL

Defendant
---/

JOHN G. BARROW JR,
Plaintiff,

-vs- Case No. 85-287-Civ-J-10

JIM BISHOP, Tax Collector
and as an individual,

Defendant
---/

ORDER

The Magistrate's recommendations that these cases be Dismissed With Prejudice and that Rule 11, F.R.Civ.P sanctions of costs and attorneys fees be assessed are upon due consideration, ADOPTED in each case.

These cases are again referred to the

Magistrate to conduct all further proceedings necessary to determine and recommend the apprpriate amount of coats and attorneys fees in each case. An appropriate judgment will then be entered in each case dismissing Plaintiff's claims with prejudice and awarding fees and costs to the Defendants.

IT IS SO ORDERED.

DONE AND ORDERED at Tampa, Florida this 15th day of August,1986.

/s/ Wm Terrell Hodges
United States Disrtict Judge

d-16.)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Jacksonville Division.

Filed Aug. 27, 9:55 AM
'86
Clerk Dis Court
Jacksonville, Fl.

JOHN G. BARROW JR
Plaintiff

-vs- Case No. 84-1040Civ-J-10

AMERICAN TELEPHONE and
TELEGRAPH CO. et al
Defendants,
_____/

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 84-135-Civ-J-10

WINIFRED S HILL, Tax Collector
St Johns County
Defendant,
_____/

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 84-191-Civ-J-10
Roosevelt Baker,
Defendant
_____/

JOHN G. BARROW JR

Plaintiff

VS. Case No 84-437-Civ-10

Eleanor B Hawkins et al

Defendants

John G. Barrow Jr

Plaintiff

VS Case No. 84-456-Civ-J-10

Haverty Furniture Company Et Al

Defendants

JOHN G BARROW JR

Plaintiff

VS Case No. 84-1191-Civ-J-10

Harold B Wahl et al

Defendants

JOHN G. BARROW JR

Plaintiff

VS Case No 85-91-Civ-J-10

H. RAY WALKER Tax Collector

JOHN G. BARROW JR

Plaintiff

VS Case No 85-160-Civ-J-10

Carl "Bud" Markel

Defendant

JOHN G. BARROW JR

Plaintiff

VS Case No 85-287-Civ-J-10

JIM BISHOP JR Tax Collector
and as an individual

Defendant

d-18.)

JOHN G. BARROW JR
Plaintiff

-vs- Case No. 85-287-J-10

JIM BISHOP JR Tax Collector
and as an individual
Defendant

/

ORDER

All parties in the above= styled cases who wish to assert a claim)s) for attorney's fees and/or costs shall submit a Motion memorandum and affidavit itemizing the requests within ten (10) days from the receipt of this Order. This affidavit shall include a time sheet which details the hours utilized in the defense of the case. Those parties not wishing to assert a claim for attorney's fees and/or costs shall so inform the court by pleading.

A hearing on these Motions requesting

fees and costs will be held on the 16th day of October, 1986, at 9:30 a.m. Courtroom 4, Third Floor, United States Post Office Building, 311 West Monroe Street, Jacksonville, Florida.

DONE AND ORDERED at Jacksonville, Florida, this 26th day of August, 1986.

/s/ Harvey E Schlesinger
Magistrate
United States Magistrate

Copies To:
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Callahan, Fl. 32011

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Jacksonville, Fl 32202

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Assistant U.S. Attorney
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Jacksonville, Fl 32201

Charles E Pellicer Esquire
Post Office Grawer G-1
St Augustine, Fl 32085

d-20.)

Joseph Lewis Jr Esquire
Assistant Attorney General
Department of Legal Affairs
The Capitol
Tallahassee, Fl. 32301

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Martin J Mick;er Esquire
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Marlin M Feagle Esquire
Post Office Box 1653
Lake City, Fl 32056

Thomas D Mac-Namara Esquire
Assistant County Attorney
Post Office Drawer "CC"
Gainesville, Fl 32602

d-22.)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Jacksonville Division

JOHN G. BARROW JR
Plaintiff,

-vs- Case No 84-64-Civ-J-10

IRESE SCOTT
WILLIE FORTENBERRY
WILLIAM R. McCANTS as
individuals with the
Internal Revenue Service

Defendants,
_____/

JOHN G. BARROW JR
Plaintiff

-vs- Case No. 84-588-Civ-J-10

T.J. GREESON
JAMES S PAGE
Defendants,
_____/

JOHN G. BARROW JR
Plaintiff

-vs- Case No. 589-Civ-J-10
James Harrison, as an individual
Marks, Gray, Conroy and Gibbs
Craig Marsh, Nassau Co. School Board
Ernie Mastroianni, Laura Cook ,Channell
12 WTLV Defendants

JOHN G. BARROW JR
Plaintiff

-v- Case No. 84-590-Civ-10

D.A.C. Corp.
T.J. GREESON
Defendants
_____/

JOHN G. BARROW JR
Plaintiff
-vs- Case No 84-981-Civ-J-10
Joseph Balkcom
William Stafford
Lynn C Higby
Farmers Home Administration
Defendants
_____/

JOHN G. BARROW JR

Plaintiff
-vs- Case No 84-982-Civ-J-10

JACK REED et.al.

Defendants
_____/

d-24.)

JOHN G. BARROW JR

Plaintiff,

-vs-

Case No. 86-400-Civ-J-10

RICHARD KING as an individual
et al.

Defendants

O R D E R

All parties in the above-styled cases who wish to assert a claim(s) for attorney's fees and/or cost shall submit a Motion memorandum, and affidavit itemizing the requests within ten (10) days from the receipt of this Order. This affidavit shall include a time sheet which details the hours utilized in the defense of the case. Those parties not wishing to assert a claim for attorney's fees and/or costs shall so inform the Court by

pleading.

A hearing on these Motions requesting fees and costs will be held the 2nd day of June 1978, at 9"30 a,m. Court room 4, Third Floor, United States Post Office Building, 311 West Monroe Street Jacksonville, Florida.

DOE AND ORDERED at Jacksonville,Florida this 11th day of May, 1987.

/s/ Harvey E Schlesinger
United States Magistrate.

e) THE MAGISTRATE'S SCHLESINGER REPORT AND RECOMMENDATION

REPORT AND RECOMMENDSTION

STATUS

An Order was entered stating that this case would be dismissed and that Rule 11 Federal Rules of Civil Procedure sanctions of costs and attorney's fees would be assessed following this Court's recommendation on the appropriate fees and costs. All parties wishing to assert a claim(s) for attorney's fees and/or costs were instructed to submit affidavits and time sheets detailing the hours consumed in defense of the case.

Defendants have moved for attorney's fees Affidavits and time sheets were properly submitted and a hearing was held.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Rule 11, as amended in 1983, is designed

e-2.)

to discourage litigants who act in bad-faith in instituting or conducting litigation. SEE e.g. Roadway Express Inc v Piper 447 U.S. 752 (1980) ; Hall v Cole 412 U.S. 1 5 (1973) Amended Rule 11 applies as anyone who signs a pleading motion or other paper.

By its own language, Rule 11 is not limited to attorneys but applies equally to pro se parties. This court of course, has discretion to take into consideration the special circumstances arising in pro se situations. Hanies v Kerner, 404 U.S. 519 (1972) . It has done so in this case. The record is replete with Plaintiff's abuse of the judicial process. In addition to the abuses found in the present case, Barrow has filed numerous cases in this Court , of which the folowing have been found to be vexatious and frivolous. 84-64-Viv -J-16; 84-104-Civ-J-14; 84-135-Civ-J-14 84-191-Civ-J-12; 84-192-Civ-J-16; 84-412-Civ-J-16; 84-437-Civ-J-16; 84-456-Civ-J-14

84-588-Civ-J-12; 84-589-Civ-J-12; 84-590-Civ-J-16; 84-981-Civ-J-16; 84-982-Civ-J-14; 84-1191-Civ-J-12; 85-91-Civ-J-12; 85-160-Civ-J-14 and 85-287-Civ-J-12. Plaintiff's litigation strategies in each of these cases has been the same; prolific and unintelligable pleadings, abusive and offensive language directed at both the court and the parties, and refusal to follow an orderly and progressive course of litigation. Under circumstance such as these, which demonstrate a continuing pattern of frivolous litigation, Rule 11 sanctions are entirely appropriate. Because this case was filed pursuant to 42 U.S.C. S 1983, attorney's fees are also available under Section 1988 of the same Title. Under that Section the Court may in its discretion award reasonable attorney's fees to the prevailing party in an action brought to enforce a provision of Section 1983 However,

e-4.)

(w)hile prevailing plaintiff's routinely receive attorney's fees, prevailing defendants are entitled to them only if the plaintiff's lawsuit was without foundation frivolous or unreasonable. Hughes v Rowe 449 U.S. 5 (1980) See also Harris v Plastics Manufacturing Co 617 F 2d 438 (5th Cir 1980) Bowers v Kraft Food Corp. 606 F 2d 816 (8th Cir1970) and Lopez v Arnsas Co. Independent Sclool Districit 570 F 2d 541 (5th Cir 1978) all adopting the standard set forth in Christianberg Garment Co v Equal Employment Opportunity Commission 434, U.S. 412 (1978)

Hepperle v Panama Michinary and Supply Co. 532 F Supp 1085(N.D. Fla 1982) aff'd 752 F 2d 647 (11th Cir 1985) in an unpublished opinion;

In the present case there is no question that the Plaintiff's lawsuit was without foundation. It was also frivolous and unreasonable. and the defendants who succeeded in having the lawsuit dismissed are clearly prevailing parties . Accordingly, Defendants are entitled to attorney's fees as a sanction under Rule 11 or as an award under Section 1988.

At the hearing on the Motion for attorney's fees Plaintiff was given an opportunity to question the attorney's affidavits in accordance with Johnason v Georgia Highway Express Inc. 488 F 2d 714 (5th Cir 1974). that case the Court established guidelines to be followed in determining the reasonable ness of the award for attorney's fees. those guidelines include consideration of;

1. Time and labor required
2. The novelty and difficulty of the questions.
3. The skill requisite to perform the legal service properly.
4. The preclusion of other employment by the attorney due to acceptance of the case.
5. The customary fee.
6. Whether the fee is fixed or contingent
7. Time limitations imposed by the client or the circumstances.
8. The amount involved or the results obtained.
9, The experience,reputation, and ability of the attorneys.
10. The " undesirabliity" of the case.
11. The nature and length of the professional relationship with the client.
12. Awards in simular cases.

Id at 717-19

Decisions subsequent to the Johnson case have provided the Court with guidance as to

the exact order in which it should consider these factors. First, the Court must ascertain the nature and extent of the services supplied by the Attorney.
Matter of First Colonial Corp of America 54
544 F 2d 1291 1299 (5th Cir) cert den 431
U.S. 904 (1977).
If the Court finds the number of hours ex=
cessive, it must identify the hours disallowed and explain the reasons why the hours are being disallowed. Second, the Court must determine the value of the services rendered according to the customary charges in the area and the quality of the work produced. Fitzpatrick v Internal Revenue Service, 665 F 2d 327 332 (11th Cir 1982) When the Court has completed these two steps, it will have arrived at a nominal or "lodestar" fee. Id; Dowdell v City of Apopka Fla. 521 F Supp 297 299 (M.D. Fla 1981) Upon arriving at this nominal or

"lodestar" fee, the Court must then consider the remaining Johnson factors appropriate to the case and articulate how each of the factors effects the final compensation. Cooper Liquor Inc. v Aldoph Coors Co. 624 F 2d 575 583 (5th Cir 1980). With this formula in mind, the Court turns to the questions presented by the instant case.

A. Extent of Value of Services Rendered

Gary Williams and Jann Johnson, counsel for defendants Jack Reed and Tallahassee Democrat claim an award of $5,493.75 based on 61.75 hours and $574.44 costs.

Joseph Lewis counsel for Defendant Willis, claims award of $1,555.50 based on 18.3 hours. This computes to a rate of $85.00 per hr.

John T Wilkins and Harold Wahl, counsel for Defendant Assocoated Press, claim an award of $3,983.75 and $120.13 costs.

Harold Wahl, counsel for Defendant St. Augustine Record, claims an award of $3,030 in attorney's fees based on 20.2 hours and $207.71 Costs.

Harold Wahl also claims on behalf of Midnight Globe attorney's fees of $ 3,370.00 based on 23 hours and costs of $112.49. On behalf of the Gainesville Sun Publishing Company Fernandina Beach News and Sarasota-Herald Tribune, Mr Wahl asserts a claim for attorneys fees for $4,904.00 for 32.7 hours and costs of $165.3 On behalf of Florida Piblishing Company, Mr Wahl seeks $4,212.00 in attorney's fees for 28.08 hours. Plaintiff does challenge the number of hours claimed by Mr.Wahl, alleging impropieties in Wahl's relationship with statecourt personnel. The Court finds Plaintiff's allegations to be without foundation and to be nothing more than unsubstatiated insinuations. Thus, upon careful review of the Submitted time sheets, the requested number of hours as follows is deemed reasonable:

Gary Williams	8.25
Jann Johnson	53.50
Joseph Lewis	18.3
Harold Wahl (Associated Press)	19.8
Mitchell Woodlief	2.7
John T Wilkins	5.5
Carol Hart	1.5
Harold Wahl (St Augustine Record)	20.2
Harold Wahl (Midnight Globe)	22.0
Carol McDonald	1.0
Harold Wahl (Gainesv-lle Sun) (Fernandina Bch News Leader) (And Sarasota-Herald)	32.7
Harold Wahl (Florida Publishing Co)	28.08

Plaintiff does not contest the hourly rates claimed. Based on this Court's knowledge of the customary hourly charges in this District, the Court finds the value of the services rendered to be in accordance with the requested hourly rates. Mr Wahl is a distinguished member of the Bar who has been practicing for over 50 years. The Court therefore finds the respective hourly rates as follows reasonable;

Gary Williams	$125.00

e-10.)

Jnn Johnson	12/5/84-3/11/86	$75.00
	4/30/87-5/19/87	$85.00
	3/23/87-5/19/87	$100.00
Joseph Lewis		$85.00
Harold Wahl (all cases)		$150.00
Mitchell Woodlief		70.00
John T Wilkins		$111.48
Carol Hart		81.87
Carol McDonald		$70.00

B JOHNSON FACTORS

This Court in following the guidelines set out in Johnson v Georgia Highway Express Inc. supra makes the following additional findings.

1. Time and labor required. Plaintiff's excessive unorthodox and indecipherable pleadings forced counsel for the defendants to expend a greater than average amount of time and labor translating Plaintiff's pleadings into a intelligible format to which a response could be made. As held above, the Court finds the hours expended in defense of this case to be reasonable.

2. Novelty and difficulty of the questions The case presented no noval or difficult legal questions. However, Plaintiff's unwillingness to articulate the facts on which he was basing his claim often presented perplexing and confusing factual allegations thereby increasing the time and labor expended in defense of the case. No increase in the lodestar figure should be made for this factor. Haines v Kerner supra.

3. Skill requisite to perform legal service properly; The attorneys demonistrated adequate skills commensurate with the skills and abilities of other competent counsel who regurally practice before this court. Each attorney filed an appropriate motion at the appropriate time and adequately briefed the Court on the relevant law.

4. Preclusions of other employment. Counsel for the defendants has not asserted that the defense of this case precluded

e-12.)

other employment. Accordingly, no increase to the lodestar figure should be made. 5. Customary fee. The fees requested are not excessive or unusal and are as discussed above, customary and usual for this type of case in this District.

6. Fixed or contingent fee; This case involved an hourly fixed fee.

7. Time limitations imposed by client or circumstances. No apparent time limitations were imposed by the clients or the circumstances.

8. Amount involved and the result obtained.

Counsel obtained results sought; dismissal of the case prior to trial, and relief from the immediate harassment of the suit.

9. Experience ability and reputation of the attorney. Counsel demonistrated adequate ability and experience in accordance with the requested hourly rate. This court is unaware of any deficiency in ability that would reduse the lodestar figure.

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The case presented no noval or difficult legal questions. However, Plaintiff's unwillingness to articulate the facts on which he was basing his claim often presented perplexing and confusing factual allegations thereby increasing the time and labor expended in defense of the case. No increase in the lodestar figure should be made for this factor. Haines v Kerner supra.

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Counsel obtained results sought; dismissal of the case prior to trial, and relief from the immediate harassment of the suit.

9. Experience ability and reputation of the attorney. Counsel demonistrated adequate ability and experience in accordance with the requested hourly rate. This court is unaware of any deficiency in ability that would reduse the lodestar figure.

10. Undesirability of the case. It is apparent from the nature of Barrow's litigation that the defense of a case of this sort is inherently undesirable. The clients in this case were the Victims of extended harassment which, unfortunately is the price citizens must pay if all are to have access to a civilized forum for the resolution of disputes. Barrow's pleadings are impenetrable trinkets of obscurity and a source of frustration for any attorney who must decode them in order to defend a client. However, in recognition of Plaintiff's pro se status, Haines v Kerner supra so augmentation of the award should be made because of this factor.

11. Nature and length of relationship with client. The Court has no knowledge of the attorney's professional relationship with the client.

12. Awards in simular cases. The requests for fees in this case are in accordance with awards made in simular cases.

For the purposes of this hearing a number of Barrow's cases were noticed for the same day out of concern for the judicial economy. However, each case was called individually and Barrow was given the opportunity to question each of the attorneys in accordance with Johnson v High-Way Inc supra. This court afforded Barrow one and one half hours to question the attorneys and to, present evidence. During this hearing the court instructed Barrow on the revelant factors as enumerated in Johnson v Georgia Highway Inc.Supra, and advised him that these were the factors the court would consider in its deliberation on the Motions of Attorney's fees.

Barrow presented no relevant evidence nor did he question the attorneys on any of the Johnson factors. Instead, he spent the one and one half hours afforded him attempting to impeach the affivadits of the attorneys had explicity sworn under oath that he or she was telling the truth.

This court notes that each of the affidavits attacked in this manner was sworn to before a Notary Public by an officer of this court. Such an affidavit carries a presumption of truth and Barrow's frivolous attack on these documents is without merit.

Accordingly, the Motion for attorney fee by Ben C Willis will be increased by one and one half hours to reflect the time expended in attendance at the hearing 1

The following awards are appropriate;

Reed and Tallahassee Democrat.

Gary Williams 8.25 X $125.-- = $1,031.25

Jann Johnson 29.5 X 75.00 = $2,212..50

10.0 X 85.00 = $8500

14.0 X $100.00 = $1,400.00

Costs $574.44 = $6,068.19

Ben Willis

Joseph Lewis 19.8 X $85.00 = $1,657.50

Associated Press

John T Wilkins 5.5 X $111.48 = $613.12

e-16.)

Carol Hart 1.5 X $81.87 = $121.63
Harold Wahl 19.8 X $150.00 = $2,970.00
Mitchell Woodlief 2.7 X $70 = $189.00
Costs $120.13 = $4,135.51

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1 Attorney fees granted for attendance at the hearing are paid only once. Wahl has already been granted allowance for the hearing that took place on June 2 1987, in Case No 84-589-Civ-J-10. The other attorneys listed within this opinion did not attend said hearing

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St Augustine Record:

Harold Wahl 20.2 X $150.00 = $3,030.00
Casts $207.71 = $3,237.71

Midnight Globe

Harold Wahl 22.0 X $150.00 = $3,3000
Carol McDonald 1.0 X $70.00 = $ 70.0

Costs $112.49 = $3,482.

.49

Gainesville Sun , Fernandina Beach News Leader and Sarasota Herald Tribune.

Harold Wahl 32.7 X $150.00 = $4,905.0
Costs $165.73 = $5,070.

Florida Publishing Co.

Harold Wahl 28.08 X $150.00 = $4,2120

RECOMMENDATION

The Motion for attorney's Fees be GRANTED in accordance with this opinion.

DONE AND ORDERED at Jacksonville, Florida this 27th day of May, 1988.

/s/ Harvey E Schlesinger

United States Magistrate

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2 Any party may file and serve objections hereto within ten(10) days after service of this opinion. Failure to do so shall bar the party from a denovo determination by a district judge of an issue covered herein and from attacking factual findings on appeal. See 28 U.S.C. S 636; Thomas v ARN 106 S Ct 466 (1986); Nettles v Wainwright 677 F 2d 404 (en banc) 5th Cir Unit B 1982 Rule 72 (b) Federal Rules of Civil Proce· edure; and Local Rule 6.02

Copies to;

Hon Wm T Hodges
Chief Judge

Mr John G Barrow Jr
Rt 1 Box 470
Callahan, Fla. 32011

Harold Wahl
920 Branett Bank Bldg
Jacksonville, Fla. 32202

PROOF OF INJUSTICE

This court is invited to examine the Docket Sheet, You will find proof that;

1) This Action has not come before the court for trial by jury.

2) The issues have not been tried.

3) And the jury has not rendered any verdict. *(look for the date of the verdict, it can't be found)*

4) As there has been no jury. SEE U.S.C.A. Amend. 7 "Unconstitutional abuse"

a) It matters not how many times, The Judge Hodges Mob dismisses a case, "without due process of law", it is VOID because of U.S.C.A. Amend. 5.

b) It matters not how many times (Judge Handling) Wahl's Buddy Buddy Tjoflat and Hatchett, (all Brothers in the Jacksonville Bar) affirms Hodges VOID decisions, the decision in this action is still an AFFIRMED VOID DECISION because of U.S.C.A. Amend 5 "reached without Due Process, is VOID."

SEE Morrissey v Brewer 92 S, Ct. @ 2605.
"Evidence and Reason, in Written Form"

There has been no responsive pleeding!

Chapter f) PLAINTIFF'S OBJECTIONS TO SCHLESINGER'S REPORT AND RECOMMENDATION.

##

1) Plaintiff has resisted the Magistrate from the beginning of these cases.

2) Pursuant to Judge Hodges Order of the 15th day of August 1986, these cases all combined in one (Whorehouse Fashion) 12 cases were again referred to the Magistrate.

3) In Edwards v E.I. Du Pont De Memours & Co. et al, 183 F 2d 165,

The 5th Circuit United States Supreme Court Holds:

" Federal Civil Procedure Key 642 The subject matter of a controversy is whatever plaintiff in good faith declares it to be in his pleadings not by conclusions of the law but by well pleaded allegations of fact"

" A defendant cannot elect to make several a joint or several cause of action that the plaintiff has elected to make joint"

4) In The Fair Appt v Koiler Die & Speciality Co. 33 S Ct 410

Our Supreme Court Holds:

" Of course the party who brings a suit is MASTER TO DECIDE what law he will rely on and therefore does determine whether he will bring a " suit arising under the Constitution of these United States or other law of the United States by his declaration or bill"

AT THE ALLEGED HEARING

5) On the 16th day or October, 1986, at 9 O'clock A.M. Harvey E Schlesinger was presiding.

6) This hearing lasted about one hour -- one and a half hours at most.

7) This illegally consolidated and commingled group of cases were as follows;

Barrow v American Telephone & Telegraph Co. (always first) Why ?
84-104-Civ-Magistrate

Barrow v Hill 84-135-Civ-Magistrate
Barrow v Baker, 84-191-Civ-Magistra te
Baker has never come in, he is still thumbing his nose at the whole Federal system)
Barrow v Douglas 84-192-Civ-J-Magistrate
Barrow v Hood 84-414-Civ-Magistraet
Barrow v Hawkins, 84-437-Civ-Magistrate
Barrow v Haverty 84-456-Civ-Magistrate
Barrow v Wah 84-1191 Civ-Magistrate
Barrow v Walker 85-91-Civ-Magistrate
Barrow v Markel 85-160-Civ-Magistrate
Barrow v Bishop 85-287-Civ-Magistrate

Barrow v T.B. Bird, 84-412-Civ-Magistrate

* The Supreme Court apparently erred because the plaintiff was not the Master to decide anything !

9) How in the name of God Almighty could this Plaintiff without any legal education defend this Crock of Manure ?

10) With 12 cases in a hearing lasting but 1½ hours at most, this did give the average of 7.5 minutes to learn of all who testified and all about this conspiracy to EXTORT BY FORCE OF THE COURT, approximately $150,000.00 as criminal contempt for mumbling and stumbling through a redress of injuries inflicted upon this Plaintiff by these defendants.

11) In 7½ minutes per " case and controversy" how in the name of God Almighty could a Supreme Court Justice go through the interrogation questions and answers of the Johnson factors ? This would have been at the rate of one question each half minute and one answer each half minute.

12) Some of the attorneys stated that they came only for the show !

13) Some of the attorneys ducked their tails and ran like that of a scared rabbit.

14) Mr Homorable Schlesinger dogmatically refused to admit even written evidence. Mr Schlesinger could read 30 feet distant.

15) The entire Sherade was a Nightmare, a Kangaroo Court with a Bias Judge Bubbling over with enmity and hate.

16) If the defendants attorneys had have had enough guts to stick around they would have been scared clean out of their Drawers. The only one that remained for the full time was " Federal Judge Handling Wahl After all, it was Judge Handling Wahl's show that Wahl was directing.

TOTALLY INSANE

17) Mr Harold B Wahl alias (Federal/Judge Handling) Wahl, did as a Grand Finale, Beg and Plead with Schlesinger to Lock

Barrow up again as he, Wahl, did so successfully accomplish in State Court. Thirty days without counsel, without any evidence. Without any chance to defend the persecution of " Judge Handling Wahl" did cause Barrow to be confined without a day in court.

Without defense, without counsel, without a Dog's chance and without Bond so that no attorney could come to Barrow's aid. Then while incarcerated, Barrow was threatened, LOCKED ,in a manner of cruel and unjust punishment all at the financial arrengements of Harold B (Judge Handling) Wahl.

At the Wayzoose on the 16th day of October 1986, before the Great Justice Schlesinger Mr Wahl gave a repeat proformance. So there was a hearing as stated by Schlesinger.

18) It is very true that this plaintiff did not question or contest the hourly

rates Claimed.

19) The whole affair is but a Night-mare.

(i) There has been no notice of hearing in this case.

(ii) There has been no decision made other than behind closed doors.

a) There has been NO BAD FAITH on the part of Plaintiff.

b) There has been NO ABUSE OF JUDICIAL PROCESS.

c) That there is any justification in Sanctions or need for Sanctions.

20) There are only two adversarys in all of the twenty cases that is the same two in all 20 cases. " Judge Hodges" and " Schlesinger". The entire record of all twenty cases there has been not one person on Earth to respond to any averment in any of plaintiff's complaints.

Schlesinger comes on Loud and Clear and with both Fists and both Feet like that of a Wild Beast.

Always loaded with plenty of his Own Brand of Garbage in every Report and Recommendation. Plaintiff has not a Prayer. Just so low as to be below the protection of the law.

Equal justice and/or a day in court is completely out of the question.

If God would grant me the power to see Schlesinger go through each of the Johnson Factors and Answers thereto, with all of the Counselors in twelve cases in a peroid of one and one half hours for all twelve cases this would have to be put on computer to even write. Absolutely not humanly possible, Crazy ! Insane ! Absurd !

Schlesinger and his unjust Reports and Recommendations qualifies him to be the lowest and low creepinst individual that I have ever met and may God have mercy on his poor and creepy soul. I do Pray to God.

The more I read Schlesinger's Reports and Recommendations the easier it is to See Harold B (Judge handling) Wahl's motivations of Schlesinger. They are a Team !

Just count the pages in the record of Harvey E Schlesinger's Report and Recommendation, filled with enmity, odium and abominations comparing the number of pages of any of the defendants.

Responsive pleadings.

21) After four years and no hearing and no jury, Schlesinger comes on all at once in March 1988, with eleven of his illegal, asinine and erroneous charges on behalf of his partners in Crime, that of a R.I.C.O. Nature, with firm inter-state connections.

22) The defendants make no allegations while thumbing their nose at Federal Rules of Civil Procedure Rule 7(a) (Responsive pleadings)

23) Mr Schlesinger on behalf of the defendants in his Mob Alleges:

" The record is replete with plaintiff's abuse of judicial process"

24) Mr Schlesinger does not reveal the place or the date of the decision behind the Black Curtain the hearing on Sanctions without any resemblance of a jury.

25) Mr Schlesinger on behalf of his co-conspirators injects many,many other cases with no privity to this case, but submitted only to injure Plaintiff " Under Color of law".

26) Mr Schlesinger rattles on and on, about prolific , un-intelligible pleadings and more and more garbage, however, Old Friend Schlesinger refuses to state the date and place of the " behind closed doors" decisions.

27) In 10 Rep 76 a.b. Str 994;
In 3 Willis 345 2 T.R. 225;
In 5 Taunt 500;
In 1 Marsh 20
In RepT Hardwr 63 3 M&S 411

In Barn & C 169
In 14 Ad & EL (N.A.) 814
in 15 AD & EL (N.S) 240
In 2 Stark Ev 807
In 5 Johns 282
In 9 Johns 392
In 12 Johns 257
In 3 Maine 330
In 24 Vt 143
In 2 Gray 120
In 2 Gray 570
In 4 Gray 83
In 11 Cush 315
In 2 Harr (N.J.) 58
In 7 Oh (N.S.) 45

These Courts hold:

" Wilful abuse of power, corrupt exercise of office express malice towards an individual, and working intentional injury to him by means of false entries by a judge on the records of a court of general jurisdiction, are not judicial acts, and not within the discretion of the judge; and satisfactory proof of those facts is admissable in evidence in actions to usurp the wrong done by such acts to show that in the particular case thr judge attempting to create for himself a jurisdiction and discretion not given by law"

28) In Houlden v Smith 14 Q.R. 841;

The Court Holds:

" If the court has no jurisdiction of the case and the judge who was presiding knew of the facts, he is liable in his action, although he did not act corruptly or maliciously"

29) In Randall v Bringham, 7 Wall 523 19 L ed 285

The Court holds:

" If the alleged trespasser be a judge of a court record, the only question is was the act done a judicial act within his jurisdiction ? Of this he is not the judge. If it was not, and " he has acted without jurisdiction, he has ceased to be a judge"

30) " No court can create a jurisdiction for itself by its own statement of Facts put on record, without any proceeding as the basis of such record"

31) Mr Schlesinger being orchestrated by Judge Hodges 250 miles distant from all parties has done just that !

Created a jurisdiction for itself by its own (erroneous) statement of (erroneous) facts with no relevance to the above styled case and put on record without any proceedings of any kind or nature except behind closed doors and thereby uses same as a basis of such record except that there does exist no record of public knowledge.

32) Consisting of wilful abuse of power, a corrupt exercise of office and express' malice toward an individual, this Plaintiff

33) In Evanson v Holtzman, 775 F 2d 335 (1985).

f-12.)

The United States Court of Appeals,

Third Circuit Holds:

" Federal Courts Key 813:
" On review of a sanction imposed against an attorney, question is not whether reviewing court would have applied the sanction but WHETHER DISTRICT COURT ABUSED ITS DISCRETION IN DOING SO"

34) In this action of " Schlesinger out to injure Barrow, , Schlesinger's responsive pleadings for the defendants Schlesinger States:

Barrow presented no relevant evidence" This plaintiff knows of no other words except that this is one of the Damnest lies ever told by the lying Schlesinger --- Schlesinger would not even accept Written evidence, dogmatically refused, Schlesinger stated ' that he could read the type written page 30 or more feet distant' Schlesinger's one and one half hours of time afforded is another lie, there was present only (Judge handling) Wahl and Schlesinger present in addition to this plaintiff, in most of his Kangaroo court hearing, no jury !

35) In National Hockey Lrague v Metroplitian Hockey Club, 427 U.S. 639,642 96 S.Ct.2778 2780 49 L Ed 2d 747 (1979)

The Supreme Court Holds:

" On review the question is not whether the reviewing court would have applied the sanction, but whether the district court abused its discretion in doing so"

36) In Roadway Express Inc v Piper, 447 U.S. 752 767, 100 S Ct 2455,2464, 45 L Ed 2d 488 (1980)

In Eash v Riggins Trucking Co. Inc, 757 F 2d 557 570 (3rd Cir)

The Supreme Court Holds:

" In considering the imposition of a penalty upon attorneys, we have cautioned that ' other sanctions, attorney

fees SHOULD NOT BE ASSESSED LIGHTLY OR WITHOUT FAIR NOTICE, and an opportunity for a hearing on the record".

37) Mr Schlesinger on behalf of his client co- conspirators should state on what date and behind what doors plaintiff stands accused and with conviction of criminal contempt as related to;

a) Abuse of judicial process ?
b) Vexatious and frivolous ?
c) Prolific ?
d) Un-intelligible pleadings?
e) Abusive and offensive language ?
f) Refused to discontinue giving Citations of the Supreme court as demanded by Schlesinger, to scuttle Plaintiff's Pleadings
g) Frivolous litigation ?

f-14.)

This Case has never passed the initial 20 day peroid for responsive pleading. Federal Rules of Civil Procedure Rule 7(a).

38) The defendants have at no time raised any allegations what so ever. The defendants counselor, is Schlesinger who is Judge, Jury, Accuser and prosecutor,with no truth in his mouth, defending all defendants.

39) In Donaldson v Clark, 786 F 2d 1570; The 11th Circuit Court of Appeals calls attention rp:

Contempt Key 74:

" Trial court acted improperly in assessing a fine against plaintiffs attorney for past conduct pursuant to Federal Rules Civil Procedure 11 governing signing of pleadings without affording him procedural safe-guards applicable to Criminal contempt proceedings" Fed. Rules Civ. Proc. 42 (a) (b) 18 U.S.C.A.

Contempt Key 74:

" There may be circumstances under which it is appropriate for a court to impose a fine pursuant to Federal Rules Civil Procedure Rule 11 for purpose of punishing an attorney for violating the provision of tha rule relating to the signing of

pleadings, however, since purpose of each fine would be to punish the attorney for past conduct, the fine would be in essence a Sanction in the nature of criminal contempt and therefore court must follow the procedures as required in criminal contempt proceedings" Fed. Rule Civ. Proc. Rule 11, 28 U.S.C.A. Fed. Rules Civ. Proc Rule 42(a) (b) 18 U.S.C.A."

The defendant (this plaintiff) is entitled to a TRIAL BY JURY in any case in which an act of Congress so provides.

40) Plaintiff's pleadings are ALL WELL GROUNDED, both in fact and in law, and has not been used for improper purposes it is the court who is putting this Plaintiff to base use, the same as if a Street Walker. This District Court in any of these cases is not a court of competent jurisdiction as they are biased.

41) Schlesinger and Hodges in collusion with their co-conspirators are again comming on strong, to extort by force of the court thousands, upon top of thousands of dollars as punishment for making an effort

f-16.)

to prevent and overcome injury to this plaintiff by the defendants, their counsel in conspiracy " under color of law"

42) Because of Schlesinger and Hodges involvement and that under,R.I.C.O because of the Federal Circuits System being interstate and more than one act of corruption involved 18 U. S . C . S 1961-8.6.

43) To demonstrate the Bad Faith of the United States District Court and their co-horts:

(i) Jason Vail is a full time employee of the State of Florida being paid by the taxpayers already. And known by Hodges and Schlesinger to be !

(ii) Thomas D MacNamara is a full time employee of the County and a racketeer paid by the taxpayers and know by Hodges and Schlesinger to be !

(iv) Michael S Mullin is a full time employee of the County and a racketeer paid by the taxpayers and know by Hodges and Schlesinger to be !

(v) Charles E Pellicer and others are full time employees and known by Hodges and Schlesinger to be !

All being part of the over all entity involved is a conspiracy to participate in a pattern of Racketeering of more than one act of corruption because of the Federal District Court, which is a Federal Government Entity 18 U.S.C.A. S 1962

(44) In the United States v Stratton, 649 F 2d 1066;

The Fifth Circuit holds:

" Frorida third judicial circuit, a Government entity, properly constituted an " enterprise " under the Racketeer Influenced and corrupt organization Act 18 U.S. C.A. S 1961 (4).

" Under the racketeer influenced and corrupt organization Act prosecution is not required to specify whether the enterprise is either a " legal entity" or a " group of individuals associated in fact although not a " legal entity" 18 U.S.C.A. S 1961(4)

" The Racketeer Influsenced and Corrupt Organization Act requires only that activities of the enterprise be connected with interstate commerce" 18 U.S.C.A. S 1962.

Such as Haverty Furniture, Florida Power & Light Co, F.H.A., H.R.S. Oglethrope Corp D.A.C. and the American Telephone and Telegraph and the United States District Court Middle District of Florida, a Government Entity properly constitutes an " enterprise

f-18.)

under the Racketeer Influenced and Corrupt Organization Act 18 U.S.C.A. S 1961 (4).

45) The United States v Stratton, is RIGHT ON POINT, in the entire case except, that in United States v Stratton the State Government entity properly constituted an " enterprise" whereas in U.S.Federal Court, Judge Hodges is a United States Government Entity properly constituting an " enterprise" the only differance being State as opposed to a Federal " enterprise" under the Racketeering Influenced and Corrupt Organization Act 18 U.S.C.A. S 1961 (4)

46) In this case and controversy, is not such acts as that of prostitution Rooster fighting or theft, Contrawise, we have evidence of an indisputable conspiracy to,provide for an un-quistionable deprivation of any resemblance of " due process of law"

and a complete deprivation of " justice equal to that afforded others" See Entire record.

" Handling with the Court" " Handling with the Magistrate" " Handling with the Clerk" " The Judges Response and letter" Out and out extortion of the Court.

IMPOSITION OF SANCTIONS
ARE NOT WARRENTED AND
CONSTITUTE AN ABUSE
OF DISCRETION.

1) In Evenson Auchmuty & Green v Holtzman 775 F 2d 535 (1985)

Federal Key 572;

" For collateral order to be appealable it must, conclusively determine disputed question, resolve an important issue and be effectively unreviewable on appeal from final judgment"

2) There has been absolutely none of the issues resolved.

Attorney and Client Key 24;

3) " If either party's bad faith is determined of whether attorney's fees should be awarded under Federal Civil Rule 11 authorizing sanctions to be imposed upon an attorney who violates his or her certification that good grounds support his or her pleading and that pleading is not interposed for dely, then

parties should be given an opportunity to present appropriate submissions on the issue. Fed. Rule Civ.Proc Rule 11, 28 U.S.C.A.

4) This plaintiff has interposed no pleadings for delay or to harass anyone.

5) This plaintiff must be given an opportunity to present appropriate, submissions on the issues that have arisen. Fed. Rules Civ. Proc Rule 11 28 U.S.C.A.

6) In Evenson, Auchmuty & Green, 775 F 2d 535 (1985)'

" For an order to be collateral therefore, it must meet the following three part test. the challemged order must" conclusively determine the disputed question resolve an important issue completely seperate from the merits of the action, and be effectively unreviewable on appeal from a final judgment" Coopers & Layband v Livesy, 437 U.S. 463 468 98 S Ct 2454 2458 57 L Ed 2d 351 (1978)

7) In Rubin v Backman, 727 F 2d 71,73

The Third Circuit Holds:

" If bad faith has been determined then the party should be given an opportunity to present appropriate submission on the issues"

8) The District Court alleges decision to impose sanctions is based soley upon

District Court's preception that Plaintiff has wilfully and deliberately violated its order to retain a Florida Statute 877.01(4) fee Splitting attorney to scuttle plaintiff's case pursuant to the whims of Judge Handling Wahl, Hodges and Schlesinger.

9) In Evenson, Auchmuty & Grees, v Holtzman, 775 F 2d 535 (1985);

" In order to cite a person for contempt for violating a court order, two principles each a corollary of the other, must among other requirements, be established. The first of these is that it must be proved that the alleged contemnor had knowledge of the order which he is said to have violated. The Corollary of this proposition is that the order which is said to have been violated must be specific and definite . These two princpiles are merged in a general statement, which is specifically applicable here, " an order can be so vague or indefinite that, even though the alleged contemnor is charable with knowledge of such order he cannot be punished for doing what he did in view of lack of certainty as to what it prohibited or directed"

10) The District Court's decision at what ever forum " behind closed doors" is politically motivated, nutured by enmity and hate because of the " Handling with

the Magistrate" and RESPONSE OF THE JUDGE AND LETTER' The handling of the Clerk and the handling of the Court. With This:

a) There has been no disputed question determined or resolved.

b) There has been no important issues resolved.

c) No consideration of the Merits. See Cooper Lyband v Livesy, 98 S.Ct.1454, 2458.

Wherefore this plaintiff strongly objects to Mr Schlesingera repugnant Report and Recommendation and does Honest To God, Pray for Schlesinger's Lousy and dirty Soul. Schlesinger does know better, you may be assured.

Respectfully submitted

John G. Barrow Jr
A layman without legal education
Rt 1 Box 470
Callahan, Fl 32011
904-845-2475

CHAPTER g) * * Judge Handling Wahl's Affidavit of ex parte handling of the Magistrate, handling ex parte of the Court, handling ex parte of the Clerk of the Federal Court All under Oath.

AFFIDAVIT

STATE OF FLORIDA

COUNTY OF DUVAL

Before the subscriber personnaly appeared Harold B Wahl, Esquire, who being duly sworn, deposes and says that he has been admitted to practice law since 1932 in all State and Federal Court of Florida and in the Supreme Court of the United States since 1936.

He has handled the case of John G Barrow Jr v Harold Harold B Wahl et al, Case No. 84-1191-Civ-J-10 from its inception.

Attached hereto are statements which he submitted to A.T.&.T Communications dated April 26, 1985 and December 12, 1985. which outline the handling given the case up until December 12, 1985,

Mr Wahl's hours to the date of December 12, 1985, totaled 20.5 and the firm's associateMitclel E Woodlief, Esquire, hours to that date totaled 2.1 hrs. for wich AT&T Communications was billed and for which the firm was paid $3,262.

Since December 12, 1985, he has expended additional time for which no statement has been submitted as follows:
January 7,1986 receipt of opinion from the court of Appeals reversing the lower court; study and handling with the Court; preparation and filing of Motion for Sanctions, and to dismiss, handling with client (2.8 hrs -Wahl) ; January 16, 1986 receipt and review of Plaintiff's Memorandum in Opposition of Motion for Sanctions (.3 hrs-Woodlief); January 29, 1986, handling with client and obtaining and forwarding to client Barrow's Motion of joinder, Motion for Transfer, Motion For Recusal and Motion for Leave to Amend (1.1 hrs.- Wahl); February 3, 1986, receipt from

Clerk Mandate; handling with client (.5) hrs, -Wahl; February 6,1986, receipt of Order from Magistrate; handling with client (.7 hrs) - Wahl; February 10, 1986, receipt of Order from Magistrate and handling with client (.5 hrs-Wahl) February 19,1986, receipt from Barrow of " Application for an Extraordinary Writ Title V"; handling with Clerk and Client (.8 hrs.-Wahl) ; February21, 1986, receipt of Amended Complaint from Barrow, and preparation and filing of Motion To Dismiss, for Sanctions and attorney's fees handling with Magistrate and Client (1.1 hrs - Wahl) February 26, 1986, receipt of Motion filed by Barrow; handling with Client (1.2hrs - Wahl); March 20. 1986, receipt of " Plaintiff's Response to Defendant's Martin and Haddock Motion to Dismiss; handling with client (.4 hrs-Wahl); July 23, 1986, preparation and filing Affidavit on attorney's fees (.5 hrs -Wahl).

g-4.)

Affiant's regular rate for handling matters of this nature is not less than $150.00 per hour; and the rate for Mitchel Woodlief is not less than $70.00 per hour. Ms Lanier law clerk for the firm, expended 1.5 hrs and this time was billed at a flat rate of $40.00
Affiant submits to the Court that a fee of $4,813.00 for services to date would be in order.

/s/ Harold B Wahl

Sworn to and SUBSCRIBED before me, this 23rd day of July, 1986.

/s/ Ann Falkenberg

Notary Public, State of Florida
At large.
My commission expires
February 25, 1990

AT&T COMMUNICATIONS INC.
PAGE 2 STATEMENT
April 25,1985

October 31, 1984 preparation of motion for sanctions and protective order and letter (Wahl) - 1.8 hrs; November 5, 1984 receipt of order from magistrate and letter (Wahl) -1.1 hrs; November 5, 1984 Handling with Funk motion for attorney's fees (Wahl) -.12 hrs; November 6, 1984 receipt amended complaintand preparation of motion (Wahl) -2.2 hrs ; November 26, 1984

receipt of Barrow's motion nad Magistrate's order staying discovery and letter (Wahl) 1.0 hrs; November 27, 1984 served processor server and letter (Wahl) .9 hrs; December 20, 1984 receipt of papers and letter (Wahl) 4 hrs; January 2, 1985 receipt of plaintiff's response and letter (Wahl) .7 hrs. January 15, 1985 Barrow's motion to disqualify government counsel handling and letter (Wahl) .7 hrs; January 21, 1985 Judge's response and letter (Wahl) .7 hrs; February 18, 1985 order of recusal and letter (Wahl) .8 hrs; February 28 1985 order allowing amendmnt by Barrow (Wahl) .6 hrs; March 6, 1985 receipt of amended complaint study preparation of motion and letter (Wahl) 2.6 hrs; March 13,1985 Barrow's response and letter (Wahl) .8 rs; March 15, 1985 correspondence (Wahl) .3 hrs; April 10, 1985 order from court enjoining actions by Barrow handling and letter(Wahl) .5 hrs

$4,285.00

DISBURSEMENTS:

Photocopies $85.75

PROOF OF INJUSTICE

This court is invited to examine the Docket Sheet, You will find proof that;

1) This Action has not come before the court for trial by jury.

2) The issues have not been tried.

3) And the jury has not rendered any verdict. *(look for the date of the verdict, it can't be found)*

4) As there has been no jury. SEE U.S.C.A. Amend. 7 "Unconstitutional abuse"

a) It matters not how many times, The Judge Hodges Mob dismisses a case, "without due process of law", it is VOID because of U.S.C.A. Amend. 5.

b) It matters not how many times (Judge Handling) Wahl's Buddy Buddy Tjoflat and Hatchett, (all Brothers in the Jacksonville Bar) affirms Hodges VOID decisions, the decision in this action is still an AFFIRMED VOID DECISION because of U.S.C.A. Amend 5 "reached without Due Process, is VOID."

SEE Morrissey v Brewer 92 S, Ct. @ 2605.
"Evidence and Reason, in Written Form"

There has been no responsive pleeding!

(All letters are prohibited by Local Rules)

Chapter h) * STATE OF FLORIDA PLEADS MISTAKE FOR NON-JUDICIAL ACT OF JUDGE HADDOCK'S ACT OF FALSE IMPROSINMENT IMPORTANT TO THIS CASE BECAUSE OF HODGES CONSOLIDATION OF "ALL OF THESE CASES" AND THE WHEEL WITHIN A WHEEL CONSPIRACY

DEFENDANT'S MARTIN AND HADDOCK'S MOTION TO DISMISS AMENDED COMPLAINT

Defendants Martin and Haddock hereby file their motion to dismiss the Plaintiff's amended complaint pursuant to Rule 12(b) (6) Fed. R. Civ. P. on the ground that it fails to state a claim against them on which relief can be granted.

MEMORANDUM OF LAW

In its order of February 7, 1986 granting the plaintiff's motion to amend his complaint the court required him to comply with three conditions: that the first read Rule 11 Fed R Civ.P and the court's opinion in Dykes v Hosemann 776 F 2d 942 (11th Cir 1985) that he name no additional defendants and that he write a comprehensible complaint stating only the facts

that give rise to his claim.
It does not appear that the plaintiff fulfilled any of those conditions. The Complaint though in numbered paragraphs

is as rambling, vague and incomprehensible as his original. He appears to be trying to name another defendant, Judge Lamar Winegeart, and it is clear that he has not read or understood Dykes v Hosemann.

From the attachments to his amended Complaint and from scattered references in his complaint, it is clear that the plaintiff seeks to hold defendants Martin and Haddock, both Florida Circuit Judges, liable for acts taken in their judicial capacity. Judge Martin found the Plaintiff guilty of contempt for violating an injunctive order entered years ago by Judge Winegeart. See American Telephone and Telegraph Co v Barrow 34 Fla Supp 129 (Cir Ct Nassau County, 1970).

Judge Martin sentenced plaintiff to 30 days jail time but suspended the sentence upon the plaintiff sworn promise not to interfere with an easement held by AT&T running through the Plaintiff's property. SEE Judge Martin's order of March 30, 1981. attached to plaintiff's amended complaint. Judge also made the mistake of finding the plaintiff in contempt for violating Judge Winegearts original order. He vacated the suspended sentence entered by Judge Martin and ordered the Plaintiff to serve 30 days in the Nassau County jail, a term which plaintiff evidently served. See plaintiff's exhibit A

/s/ J Vail
Assistant attorney General
Department of legal affairs
The Capitol
Tallahassee, fl 32301

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U.S. Mail to JOHN G. BARROW JR Route 1 Box 470 Callahan, Fl 32011 and Harold B Wahl 920 Barnett Bank Building Jacksonville, Florida 32202, this 25th day of February 1986.

h-4.)

In Jones V Bales, 58 F.R.D. 453 463 (.D. Ga 1972) aff'd 480 F 2d 805 %5th Cir 1973)

The 5th Cir Holds:

" Pro se litigants are not subject to the usual incentives against filing repetitive, frivolous or malicious lawsuits. They are immune from imposition of costs if they are unsuccessful and because of their poverty, they are practically immune from later tort actions for 'malicious prosecution or abuse of process"

Was the United States Constitution written to protect the People's Constitutional Rights from being raped by the Government by Acts such as the Sanction Monger , he Schlesinger ?
QUOTE SCHLESINGER'S INTENT

Defendants " Counsel obtained results sought; dismissal of the case prior to trial and relief from harassment by the suit"

And the State of Florida by the Bribe-begging Jason Vail ?

DEFENDANTS, UP TO THIS DAY, have FILED NO ANSWER to any issue.

The most important aspect to this case and controversy, is it's History. What water has already gone over the Dam ?

1) Plaintiff filed a Complaint.

2) There has been to this date not one answer to any one averment of any complaint in any case. Federal Rules of Civil Procedure Rule 7(a).

This is where the Baby Justice was thrown out the window with the wash.

3) Our Great Chief Justice Hodges litterly took his own " Hodges Law" as if it were a Giant Hatchet and BLUGEONED to Death all chance of " redress of any grievance" of this Plaintiff-Appellant. Mr Hodges called this " Consolidation of " ALL THESE CASES" . This death blow remains.

4) Then Hodges and his Wicked as a Witch Godfather, Harold B Wahl,turned

h-6.)

" ALL OF THESE CASES" over to the Slick Wheelright of the Wheel Within A Wheel Conspirators. Their purpose of the transfer was to promote the Scheme of out and out extortion of approximately $150,000.00 by force of the Federal Court system.

5) This has resulted in the Clerk of the Federal Court filing Judgments of $48,752.76 on behalf of Harold B (Judge Handling) Wahl alone, as compensation for his attendance of ONE HOUR duration at said Kangaroo hearing . As Schlesinger stated in his foot-notes.

6) Judge Hodges one of the central figures can easily afford to compensate (Judge handling) Wahl $150.00 per hour of Plaintiff's flesh when the Three Central Figures Hodges, Schlesinger and Wahl, can arrange such exorbitant extortions by force of the court, as spoils to be split pro-rated by their participation in the venture agreed upon in the arrangement.

7) Did it ever occur to you as being strange that the High Classed Counselors of " ALL OF THESE CASES" did not participate in this extortion scheme ? Wanted no sanctions !

8) Now, most of " ALL OF THESE CASES" have been dismissed, by void decisions. Void because of being reached without any due process of law, whatsoever.

9) To this date, in all of THESE CASES the 11th Circuit has, condoned affirmed and ratified the void decisions.

10) The United States Supreme Court has said that the Open Forum is an alternative to violence. Is the High Court now saying, that violence is an alternative to " Void decisions" and the absence of Open Forum.

11) In Conley v Gibson, 355 U.S. 41

The Supreme Court holds:

" The Federal Rules subject the approach that pleading is a game of skill, in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to

facilitate a proper decision on the merits" Maty v Crasselli, Chemical Co. 303 U.S. 197 58 S Ct 507 82 L Ed 745;

But this does not mean a DAMN THING !

12) In Backman v Seaboard Air Line R. Co.

80 f Supp 976, The Federal Court Holds:

" It is a familiar canon of construction that a construction of pleading is to be preferred where reasonbly possible which will give effect to all of its material allegations in the words of a leading case, the court in passing on such issue must look to " the substance of the entire pleading"

"'It will not do " to take words used in one part of the complaint and, by seperating them from the context and consid ering them without reference to the complaint as a whole, to draw from them an inference favorable to the defendants theory which is opposed to the one deduced from a reading of the whole complaint"

And the one which the pleader evidently had in mind in framing.

13) In Louisiana v Junel 107 US 711, 719 720 723 728.
In Hagood v Southern 117, US 52 67 et seq
In re Ayers 123 US 443 492
In Pennpyer v McConnaughty, 140 US 1 10 et seq
In Smith v Reeves 178 US 436 440
In Murry v Wilson Distilling Co 218, US 151 168 170
In Lankford v Patta Iron Works Co 235, US 461 469

In ex parte N.Y. 256 US 500
Also 41 S.Ct.588;

The Supreme Court tells us;

" It is now established that the Question to be determined not by mere means

of the titular parties but by essential nature and effect of the proceeding as it appears from the entire record"

All of these courts were telling a Joke

14) In Maty v Grasselli Chemical Co. 303 US 197 58 S.Ct.507 L ed 745;

The Supreme Court Holds:

" The Federal Rules reject the apppoach that a pleading is;

"' A game of skill which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits"

15) In Scheuer v Rhodes 94 S.Ct.1683 (1974)

The Unitd Stated Supreme Court Holds:

" Its applicability is to be determined hot by mere name of the titular parties, but by the essential nature and effect of the proceedings as it appears from the entire record" ex parte New York 256 US 490 500 41 S.Ct.588, 590 65 L Ed 1057 (1921)

16) Now the Defendants come up with the issue;

" The trial court did not abuse its discretion in dismissing Plaintiff's Complaint"

h-10.)

a) If this is true, the entire judicial system should be abolished.'

b) The purpose of the complaint is to adjudicate each averment each by each.

c) If dismissal is appropriate;

(i) Without any hearing, on the issues.

(ii) Without any hearing on the merits

(iii) Without any confrontation.

(iv) Without any open forum.

(v) Without any notice of hearing.

Then, in that event, we might just as well turn justice over to the Private Sector ---- Some Mail Order House !

The Three conditions of the Court's last half of Page h-1) was no less than Coercion and Scare Tacts repugnant to the Fifth Circuits Edwards v E.I. DuPonte De Memours 183 F 2d 165 and ; not consistant with The Supreme Court of these United States ¥; Foreman v Davis,(1962) 371 US 178 182 83 S Ct 227 9 L Ed 2d 222, the court citing TREATISE, reterated the philosophy of Rule 15 that amendments of the pleading ARE TO BE GIVEN FREELY EVEN AFTER A COMPLAINT HAS BEEN DISMISSED"

And the Supreme court of the United States In Griffin v County School Board of Prince Edward County,(1964) 377 Us 218 227, 84 S.Ct.1226,12 L ed2d 256.

FINDINGS AND CONCLUSIONS
OF A MAIL ORDER JUDGE

With no one before Judge Hodges and therefore no jurisdiction, of the person, and no jurisdiction of the subject-matter because of no jurisdiction of the person, these Central Figures relied upon the Agreement to the Scheme of the Godfathers of the Sanctions, Harold B (Judge handling) Wahl and the Hatchet Man Schlesinger, in collusion with:

a) Assistant Attorney General Jason Vail, begging for Bribes.

b) A long list of State and Federal Officials and employees on the payroll begging for Florida Statute 838.015, .016 Bribes and Florida Statute 112.313 Conflict of Interest Corruption.

There findings were:

a) Clearly spelled out in Judge Hodges Order of April 5, 1985 and still pregnant, irrespective of the 11th Circuit Mandate of January 24, 1986.

i-2.)

Payola by way of Florida Statute 877.01

(4) or NO JUSTICE !

b) Schlesinger's Tax Injunction Act though taxes per se was not involved, Schlesinger ADMITTS.

c) res judicata based upon Judge Melton's VOID DECISION of a previous case.

d) Harold B Court handling) Wahl's Sanctions to an out and out extortion of $150,000.00 in spoils by force of the Courts judgments to nurture " The Wheel Within A Wheel Conspiracy"

To injure Plaintiff's Constitutional Rights for ever more and a day.

All of the above has been accomplished by " THE WHEEL WITHIN A WHEEL"

e) On page 9 of Schlesinger's Notorious Report and Recommendation of Barrow v Reed 84-082- and " All of these cases" See page 2 of the same instrument included in the Record Excerpts, because of Schlesinger's admitted relationship to all eighteen cases.

d) Another finding of the COURT OF SCHLESINGER'S LAWS is best explained by Schlesinger on page 9 at the bottom of the page.

Quote: " During this hearing the Court instructed Barrow on relevant factors as enumerated in Johnson v Georgia High-Way Express Inc. " Plaintiff should have read Schlesinger's mind so as to prepare prior to hearing. Plaintiff should have used a Crystal Ball to learn this

on his own, in advance of the Kangaroo Court, so as to ask hundreds of questions of dozens of attorneys -- drilling out hundreds of answers for all eighteen cases, illegally consolidated in the one hour hearing, if one dared to class same a hearing.

f) On page 10, at the top in same instrument the lying Schlesinger stated: " Barrow stated no relevant evidence" The truth of the matter is, that Schlesinger would accept NO EVIDENCE.

g) The Magistrate offers a confession for the entire Mob involved in the "Wheel

i-4.)

Within a wheel" on page 8 of the Barrow v Reed and the Barrow v Haverty Reports And Recommendations. Paragraph 8.

" Counsel obtained the results sought; dismissal of the case prior to trial, and relief from immediate (sic) immen imminent) harrassment of the (results of the suit')

What happened to " DUE PROCESS OF LAW, appropriate to the Circumstances ?

Plaintiff was not afforded A DOG'S CHANCE !

CHAPTER j) KNOW THE JUDGES
KNOW THE ANSWERS

With the total to date of One Hundred Thirty -Two Thousand, Eighty-Three Dollars of Judge Hodges Judgments as tortue to the Petitioner, for Petitioners having made a Good-faith effort to seek Redress of Grievances of injuries inflicted by the State and Federal Officials, "under color of law", this cruel and unjust Punishment as of this date amounts to ONE HUNDRED THIRTY TWO THOUSAND, THREE HUNDRED EIGHTY THREE DOLLARS. This can be said to be no less than an Out and Out Extortion, by force of the Federal Court. One must be mindful that there is little difference between Little Boys and Big Boys, except of the Games they play.
The Little Boys play "Cops and Robbers."
The BIG BOYS especially, the GREAT BIG BOYS play "Judges and Robbers"!

Harold B (judge handling) Wahl

(PHOTO NOT AVAILABLE)

is not a Judge. Wahl is a Judge Handler. Wahl demands ONE HUNDRED FIFTY DOLLARS per each hour;

a) to handle the Judges. See: (w-2) (w-28 .

b) to handle the Magistrate. SEE page (w-13) ,w-9.),w-20.)

c) to handle the Court,SEE: page (w-8) (w-9) (w-12) (w-17) (w- 15) (w-19)

Wahl does a Good Job. The judges are so well handled by Wahl that the Judges use the Force of the Federal Court to collect the $150.00 per each hour. See Page (w-5) The Honorable Harold B (Judge Handling) Wahl is so good that his co-conspirators have awarded Mr. (Judge Handling) Wahl in various State Court Judges Names and clients names far in excess of $50,000.00

without one responseive pleading or one day in court on the issues. This is to increase shortly, because of Mr (Judge Handling) Wahl Connections in the 11th Circuit Court of Appeals who are Members of the Jacksonville Bar.

JUDGE GERALD BARD TJOFLAT

Who is one of the three Judges in Court of Appeal's affirmance of at least thirteen of Petitioner's cases has associates in Jacksonville such as Howell and Kirby Jacksonville 1957-1958 and Partners Howell and Tjoflat 1958-1960 and Partner Mahoney Hadlow Chambers and Adams 1960- 1968. There is no wonder that this Petitioner has been unable to obtain Representation by counsel.

Judge Gerald Bard Tjoflat not only is active as a Judge in the 11th Circuit in Atlanta but also in Jacksonville Florida as well.

Buddy Buddy with Judge Handling Wahl and Wm Terrell Hodges .

There is no State law that prevents Gerald Bard Tjoflat's take in the ONE HUNDRED THIRTY TWO THOUSAND THREE HUNDRED EIGHTY THREE DOLLARS SWINDLE , as a matter of fact F.S. 877.01(4) protects this Corruption.

Judge Gerald Bard Tjoflat signed his full NAme to the affirmance of the "void decision" of Judge Hodges in Barrow v Wahl as well as Barrow v American Telephone and Telegraph , in all other instruments of affirming all of Hodges "Void Decisions" Tjoflat 's name is typed in signifying a Special Personal Interest to the(Judge Handling)Wahl Cases.

The community knows of the other close

ties between Judge Tjofalt and (Judge Handling) Wahl, so who has to be told of Judge Tjoflat's personal interest in the outcome of (Judge Handling) Wahl's cases ?

As to - JUDGE JOSEPH HATCHETT

Judge Hatchett is another of (Judge Handling) Wahl's Buddies, like Tjoflat a Member of the Jacksonville Bar with (Judge Handling) Wahl with a tremendous personal interest in the outcome because of the Black and White aspect of the State taking the Black womans property in the Barrow v Jack Reed Action 85-3362 Judge Hatchett's personal interest in the outcome of these cases is beyond questioning due to the fact

that the Barrow v Jack Reed case is couched upon the Tallahassee Area , in Hatchett's home town with Hatchett's own people who the State of Florida acted upon. Understanding that Judge Hatchett is not only a Buddy Buddy Blood Brother in Jacksonville Bar with Tjoflat and (Judge Handling) Wahl , Judge Hatchett is also a Buddy Buddy Blood Brother with Wahl in Phi Delta Phi.

To say nothing of Hatchett's enmity for Plaintiff Appellant because of the State taking the Close neighbor's house.

How could this Petitioner receive a Fair and just trial with these Odds ?

This cozy arrangementof personal interest in the outcome of Hodges " All of these cases" would not be so obvious if it were not for the Honorable Harold B (Judge Handling) Wahl's aworn affidavit. Mr (Judge Handling) Wahl swears under oath that he is to be repaid for " Handling

as to appeal to the eleventh Circuit"
on May 20, 1985, for 1.1 hrs . This
affair was ex parte.
Mr (Judge Handling) Wahl Swears to the
"allotication of time for Motions in the
Court of Appeals," August 2, 1985
See Page (w-19) (w-29) of Chapter (w.)
dated January 10, 1986, Morris Communi-
cations to Wahl and Gable followed by
2 hrs of calling to the Clerk by Wahl.
This was behind closed doors as to any
knowledge to this Petitioner.
On the same bill of this Affidavit State-
ment " Receipt of opinion from court of
appeals for the elevent circuit, Trip to
Court"
In this small number of the pages , here
inclosed, of the many,many pages of (Judge
Handling) Wahl's Affidavit and bills Mr
Wahl swears under oath to:
1) The handling with the Clerk of Federal

Court twenty (20) times See pages (w-7) through (w-32)

2) "Handling with the Magistrate" on pages (w-9) (w-20) (w-28)

3) "Telephone conferences and handling" Seven (7) times.

4) "Handling with Co-counsel" of other Barrow actions, twenty-two (22) times , unquestionably a conspiracy, See Pages (w-7) through (w-32).

5) Letters ex parte twenty-six (26) letters who to, and what was subject is a Black Curtain affair Page (w-7) through (w-32)

6) "Receipt of Opinion from Court of Appeals, for the elevent circuit , Trip to Court," Four (4) times.

7) "Advises from Court of Appeals 11th Circuit" See Pages (w-27) (w-20)

8) "Handling with Clerk of Court of Appeals" Two (2) times.

9) "Handling" ex parte Seventeen (17) times See (w-7) through (w-32)

10) "Order and letter Nine (9) exparte.

11) "Receipt of opinion from court of appeals, Trip to Court;" Three (3) times ex parte.

12) "Allocation of time for motion in Court of Appeals " ex parte"

SEE: (w-19) (w-29)

13) "Handling letter and reply" Six (6) different occasions.

14) "Solicition of Clients" (w-14)

15) "Order from Judge and handling." What Order and what Judge handled with how much ?

16) Receipt of transcript on appeal to the eleventh circuit (w-24)

17) " Handling as to appeal to the eleventh Circuit" See (w-29)

18) " Judge's response" (ex parte) and letter exparte See Page (w-21) Just what was the Judge responding to ? One's imagin-

ation does not have to run TOO WILD to realize that there was involved HANDLING OF THE JUDGE behind the Black Curtain.

Now, I ask you, how can we critize and make fun of the Russians and third world countries with their inhumanties when here in theUnited States our Fed.Judges insult our Constitution , inflict upon one of its own citizens, ONE HUNDRED THIRTY TWO THOUSAND THREE HUNDRED EIGHTY THREE DOLLARS in cruel and unjust tortue, to punish said citizen for seeking redress of grievances as provided by our constitution and in good faith, well grounded in law, and well grounded in fact, can it be said that the Supreme Court of these United States has no supervision of the lower courts ?

Can it be said that our Supreme Court is not neglent when allowing such corruption and denial of any due process of law, whatsoever to go on and on ?

What can be said to grab the attention of our Time Honored Supreme Court of these United States of America ?

This Petitioner has not a Prayer in either the District Court under the supervisory control of (Judge Handling) Wahl or the United States Court of Appeals under the Supervisory control of Gerald Bard Tjoflat, Buddy Buddy to his Jacksonville Bar Buddies, Wahl and Hatchett.

If ever there was a situation begging for plenary consideration of our time Honored Supreme Court, THIS IS IT !

This Honorable Court's attention is directed to the Judgment in the Civil Case in Chapter 3)

This page in the Court of records can be said to be no less than a Number of Filthy lies.

XX There has been no JURY VERDICT.
XX This action has NOT come before the Court for a trial by jury !
XX The issues have NOT been tried !

XX The jury has rendered NO verdict !
XX The decision of the court is couched upon H.E. Schlesinger's own say-so !
XX The issues have not been tried or heard. This Judgment is a dirty Fraud of the Federal Court.

The decision in the action styled on the front page is a Void Decision regardless of whether in the District Court under the supervision of (judge Handling) Wahl or the Court of Appeals under the supervision of Tjoflat and Hatchett as there has been No Due Process of law. SEE U.S.C.A. Const. Amend 5 and U.S.C.A. Const. Amend 7.

In addition thereto Petitioner invites this Honorable Court to avoid being mislead by the United States Court of Appeals.

This case has not been heard on the transcript. There has been absolutely no hearing had, on any issue . Since there is no hearing been had, on any issue how could there be a transcript and how could the U.S. Court of Appeals have heard this Case on any transcript, that does not exist and never has been in existance ?

j) * * REASONS RELIED ON
FOR THE ALLOWANCE OF THE WRIT

First of all, this Court does without doubt have jurisdiction. In addition to the jurisdiction spelled out in Section h.) this court also has jurisdiction to consider and decide this entire matter in Controversy pursuant to 28 U.S.C. S 1254 (3)

CREATION OF REMEDY

" In a case of actual controversy within its jurisdiction ecept with respect to Federal Taxes any court of the United States and the District Court for the Territory of Alaska, upon filing of an appropriate pleading may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such"

28 U.S.C.A S 2202

FURTHER RELIEF

" Further relief necessary or proper based on a declaratory judgment or decree may be granted after reasonable notice and hearing against any adverse party whose rights have been determined by such judgment"SEE also 28 U.S.C A. S 2106.

There are important reasons why this Court is called upon to exercise its Power of Supervision.

1) Ther are in the Complaint many Federal Questions that have not been decided at all, much less in conflict with applicable decisions of this Court.

One example, is the fact that; THERE HAS BEEN NO HEARING HAD which is repugnant to the Due Process Clause of our Constitution.

Another reason, is that this Victim of the Conspiring Defendantshas witnessed no protection of the law. Equal to that protection of the law afforded others, and is therefore repugnant to the Equal Protection clause of our Constitution.

A third reason, is that the Court of First Instance does ever so plainly state that; The defendants, " Counsel obtained results sought; dismissal of the case without any due process of law whatsoever.

It would be a catastrophe to send this

Petitioner back down to the bottom of the Hill to begin anew before the Schlesinger/ Hodges Mob. However, that the Complaints have been filed and are due an answer to each and every averment is how this action got off of the track and / can be resolved only by this court'sSupervisory Power to be invoked, so as to cause just that, a responsive pleading to each and every averment. One law for Athens and another law for Barrow will just not cut it. This brings on another Federal Question the Continuation of discrimination by the Federal Court.

SANCTIONS

The Court of First Instance as well as the 11th Circuit Court of Appeals have their mind in a Crazed condition for Sanctions against this Petitioner their Victim.

In Jones v Bales 58 F.R.D. 453 463 (N.D. 1972 aff'd 480 F 2d 805 (5th Cir 1973)

The 5th Circuit holds:

" Pro se litigants are not subject to the usual incentives against filing repetitive, frivolous or malicious law suits. They " are immune from imposition of costs if they are un-successful' and because of their poverty, they are practically immune from later tort actions for 'malicious prosecution or abuse of process"

The infliction of ONE HUNDRED THIRTY TWO THOUSAND, THREE HUNDRED EIGHTY THREE AND 38/100th DOLLARS, of sanctions is not consistant with the (5th Cir) decision.

In Donaldson v Clark 786 F 2d 1570;

The 11th Circuit Holds:

" The court must abide by the due process requirements set forth in Rule 42 (b) of the Federal Rules of Criminal Procedure"

In that action Donaldson v Clark the 11th Circuit rules against Mr Howard being fined for sanctions of $500 yet, the 11th Circuit not only ruled in favor of Barrow being fined ONE HUNDRED THIRTY TWO, THOUSAND, THREE HUNDRED EIGHTY THREE . 38 /100th DOLLARS for sanctions,this 11th Circuit demands additional sanctions to be inflicted on this Petitioner, in addition to the ONE

HUNDRED THIRTY TWO THOUSAND THREE HUNDRED EIGHTY THREE AND 38/100th DOLLARS,

Now I ask you, does this seem to be Consistent with the 11th Circuits Rule in Donaldson v Clark 786 F 2d 1570(11th Cir.)

Continuing on in Donaldson v Clark quote:

" The defendant(of the sanction scam) shall be entitled to a trial by jury"

Now, turn to the docket sheet to assertain the date of this trial by Jury,

demanded in the Complaint . If ever there was a case and controversy begging for Plenary consideration this is it.

Then In Morrissey v Brewer, 92 S.Ct.@ 2605

The Supreme Court holds:

" Moreover in each case the decisionmaker must be impartial there must be some record of the proceedings and the decisonmaker's conclusions MUST BE SET FORTH IN WRITTEN FORM indicating the reasons relied upon and the evidence, becaue the Due Process Clause requires these proceedings"

Wherefore, I ask you, to refere to the Docket sheet to determine the date of some record

of the proceedings of the Action and the decisionmaker's conclusions in Written form indicating the evidence and what reason relied upon . It is Just not, - - - on the Docket sheet.

There has been no procedures, required by the Due Process Clause..

So you tell me why, is this not a departure from the accepted and usual Course of Judicial Proceedings ?

You tell me why this is not the denial of protection of the law, equal to that afforded others ?

In Padovant v Brachenusen 293 F 2d 546;

The United States Court of Appeals points out;

" A plaintiff cannot be deprived of his rights without a trial, even if the trial promises to be long and burdensome"

Under the federal rules a Plaintiff pleads facts, not law, and the law is to be supplied by the court. Federal Rules of Civil Procedure Rule 54 (c) 28 U.S.C.A.

Chapter k) S A N C T I O N S

Harold B (Judge Handling) Wahl
without any question is the Godfather
of the assessment of Sanctions P L O T
in the twelve consolidated cases of the
16th day of October 1986, as well as
Seven consolidated cases of assessment
of sanctions P L O T of the 2nd day of
June 1987.
Whal's Stock and Trade is not only that
of the " Handling of Judges" but also of
L Y I N G while under Oath.
As an example, Mr. (Judge Handling) Wahl
swears under oath the 2nd day of June,
1987 that in Barrow v Reed case, " That
he prorated his charge for attotney's
fees and costs equally between his five
clients.
Plaintiff Barrow invites this Court to
weigh the T R U T H of Mr (Judge Handling)
Wahl's sworn testimony of the 2nd day of
June 1987, by the following exhibits.

First, Plaintiff submitts an explanation of the indexing to the Masters Sheet of complication of Wahl's Attorney's fees and cost attached to his affidavit and motion to;

Associated Press , is number one.

Morris Communications (St Augustine Record) is number two.

New York Times is number three

Midnight Globe is number four.

Florida Publishing Company is number five.

Mr (Judge Handling) Wahl's Sheet "A" "B" and "C" marked in upper right corner are his account sheets which were attached to his motion and affidavits all scrambled together which requires a Philadelphia Lawyer to decipher. On the sheet attached to each of Mr (Judge Handling) Wahl's bill is a legable account of the same. Each item numbered, item by item.

Therefore, the Master Sheets are a compilation of the billings to all of Wahl's

five clients in Barrow v Reed and are to be read as follows;

1) For Associated Press

("A" for Bill "A" dated April 29,1985

(The one parenthesis (1) is for item (1) on that April 29, 1985 bill. Therefore, 1-A (1)- 3 hours represents item one on Wahl's April 29 bill

See second sheet to same.

EXPLANATION OF MASTERS SHEETS RESULTS

Item 1 - Solicitation of prospective clients.

1-A (1) - .3 Hrs plus 1.6 Hrs = 1.9 Hrs charged to Associated Press.

2 A-(1) 2.3 Hrs charged to Morris Communications.

3-A-(1) -1.1 Hrs charged to New York Times.

4-A'(1) . 8 Hras charged to Midnight Globe.

5-A- NO HOURS charged to Florida Publishing Company.

k-4.)

Item 2.) Sanctions Total of 18.3 Hrs.

1-C-(5) Associated Press .9 Hrs

3-A-(5) - 3.2 Hrs

3-A-(9) -1.1 Hrs

3-C-(4) - .9 Hrs.

TOTAL 5.2 Hrs charged to N.Y. Times

.9 Hrs charged to Associated Pres

while New York Times is charged 5.2 Hrs

is NOT a reasomable proration of the 1/5th

to each Client.

Item 3.) Conference.

5.0 Hrs billed to Associated Press and not one dime charged to the other four clients is NOT 1/5th proration of the total.

Item 4.) Handling General;
Midnight Globe charged a total of 8.2 Hrs for handling general or, 8.2 X $150.00 = $1230 while charging Florida Publishing Company 3.6 Hrs or, 3.6 S $150.00 = $540.00, can $1230 be Mid-night Globe's 1/5th while $540.00 for Florida Publishing Company's one fifth ?

Item 5.) HANDLING CLERK OF FEDERAL COURT
Morris Communications was charged 2.2 Hrs or $330 while Florida Publishing Company was NOT charged ONE THIN DIME !

Item 6.) HANDLING WITH MAGISTRATE

For the handling with the Magistrate is charged not ONE THIN DIME to Associated Press, all others were charged for handling with the Magistrate.

Item 8.) CHIEF JUDGE HODGES ORDER

Morris Communications was charged $120 while Florida Publishing paid NOT ONE THIN DIME !

Item 10.) MANDATE

The Associated Press was charged $105 while Florida Publishing Company was charged NOT ONE THIN DIME !

Item 11.) AMENDED COMPLAINT

Morris Communications paid only $60 while Midnight Globe paid $285 for a Zerox copy of same.

No, Mr Wahl , there is no 1/5th proration . You gouged each of your clients for FIVE DUPLICATE copies of most of the same pleadings in the same one Barrow v Reed Case.

The same bills were presented to Plaintiff Barrow, only twice in the October 16th 1986 P L O T and again in the June 2nd P L O T.

Mr. (Judge Handling) Wahl has explained under oath that handling means " To pick Up" and " Set Down"

In State ex rel Bell v Phillips Petroleium Co 349 160 S.W. 2d 764, 769
The Court Holds:

" To handle is to control, or to buy and to sell"

All one and the same !

In Wells Fargo & Company v Lowery
197 S.W. 605 608,
The Court Holds:

" To handle is to manage or to operate"

Choose which ever you please !

You can be assured that Harold B (Judge handling) Wahl is not physically fit to;

a) Pick up the Judge or set him down.

b) Pick up the Magistrate Schlesinger, or set the Magistrate Schlesinger down

c) Pick up the Clerk of Federal Court or set the Clerk of the Federal Court down.

I, choose not to consider if this was done in parts, thereof.

I, am ever so confident that this would not even be concievably as related to the Magistrate, as his character is beyond question,therefore, this Plaintiff is forced to believe that Mr. (judge handling) Wahl unreasonable and ungodly bills of attorney's fees and costs as related to handling is better explained by Florida Ststute 877.01(4) which is the Bell v Phillips Petroleum Co. case above. To Buy and Sell. Whatever Mr (Judge Handling) Wahl is good at it, as he has handled the State Court Judges for 30 years, to my knowledge whether or not, they were handled in whole or in parts.

Mr. (Judge Handling) Wahl's sworn affidavits speak for themselves. Could be, Mr Wahl would like to prove that he can pick up the Magistrate or the Judge up and set them down or only parts ?

Mr Wahl has furnished proof of the false 1/5th apportionment of his charge, to five

clients. --- A whole book could be written relating to Harold B Wahl's lies however, the evidence of his fraudulent utterance speak for themselves. Wherefore, we await the decision of the Wahl/Hodges Court.

One comment must be added. That is that there does seem to be some decent and honor - able persons in the profession that do not lie as good as Mr (Judge Handling) Wahl Mr (Judge Handling) Wahl has had his fun. As best as can be determined by the plead - ings, received by this Plaintiff all Heavy-Duty Attorneys would like to drop this SANCTIONS CAPER BY FORCE OF THE COURT. as it has already been runinto the ground and broken off.

Could be, a word to the wise IS SUFFICIENT!

With all due respect to Mr (judge Handling) Wahl and his lies and his Wahl/Hodges Court co-conspirators the plot by force of this court any sanctions whatsoever is a postive act --- not a Negligent or inadvertent happening. IT IS A CRIME AGAINST JUSTICE.

and will remain so until that day that the issues, the facts and the law and questions of Plaintiff;s complaint have been answered and adjudicated in an open forum before a Competent Judge, thereby being submitted to a competent jury for their preponderance.

The law of the land makes this so.

God have mercy of their souls. This I Pray to God--- AMEN !

JOHN G. BARROW JR
A layman without legal Education
Rt 1 Box 470
Callahan, Fl 32011
904-845-2475

I CERTIFY this 10th day of June, 1987 that I did furnish a true copy of the foregoing to Counsel of record.

JOHN G. BARROW JR

In Jones v Bales, 58 F.R.D. 453 463 (N.D. Ga 1972) aff'd 480 F 2d 805 (5th Cir 1973) , the 5th Cir Holds:

"' Pro se litigants are not subject to the usual incentives against filing repetitive frivolous or malicious lawsuits. They are immuned from imposition of costa if they are unsuccessful and because of their poverty they are practically immune from

k-10.)

later tort actions for malicious prosecution or abuse of process"

In Donaldson v Clark 786 F 2d 1570 (11th Cir 1956) Holds:

" Where a criminal contempt proceeding is not a summary contempt proceeding under Fed. R. Crim. P 42(a) to punish conduct committed in the actual presence of the court, the court must abide by the due process requirements set forth in Rule 42(b) of the Federal Rules of Criminal Procedure Rule 42(b) provides in part; A crimina contempt -- shall be prosecuted on notice. The notice shall state reasonable time for the preparation of the defense"

Compare Kleiner v First National Bank of Atlanta, 751 F 2d 1193(11th Cir 1985) (prior to assessing fine against party, the court gave the party notice, of specific conduct subject to sanctions and two weeks later held a three day evidentiary hearing on the matter.
The District Court thus acted improperly in assessing the $500 fine against Mr Heward , Barrow $150,000.00.

Intent of District Court; See Chapter (e) -12- (8)

IN THE SUPREME COURT OF THE
UNITED STATES
WASHINGTON, D.C.

JOHN G, BARROW JR

Appellant-Petitioner

V U.S.C.A 88- 3286
Richard L King et. al
As Agent for State of Florida

Defendants- Appellees

28 U.S.C.§ 2403 (b) may be applicable

* * * * * * * * * * * * * * * * * *

MOTION FOR LEAVE TO AMEND

##################################

I) FEDERAL RULES OF CIVIL PROCEDURE

Rule 15.4

SUPPLEMENTAL RULES OF CIVIL PROCEDURE

and 1963 Amendment to Subdivision (d)

Subdivision (d) limits supplemental pleadings to its true office: the presentation of subsequent matter related to the claim or defense asserted on the original pleading 15.16(1) . This may even include the addition of new parties where subsequent facts make it necess-

ary and proper to do so. 15.16(1) Griffin v County School Board of Prince Edward County (1964) 377 US 218 227 84 S.Ct.1226 12 L ed2d 256 (" RULE 15(d) of the Federal Rules of Civil Procedure plainly permited supplemental amendments to cover events after suit, and it follows of course that persons participating in these new events may be added if necessary. Such Amendments are well within the basic aim of the rules to make a pleading. a means to achieve an orderly and fair administration of Justice"

2) Federal Rules of Civil Procedure Rule 15.5 Amendments to Be Freely Granted.
In Foreman v Davis, (1962) 371 US 182 83 S.Ct.227 9 L 222 The court citing TREATISE, reitered the pholosophy of Rule 15 that amendments of the pleadings ARE TO BE FREELY GRANTED, EVEN AFTER A COMPLAINT HAS BEEN DISMISSED.

This is a motion to vacate the Void decision and judgment of the court of first instance, because that the Docket Sheet will prove beyond a shadow of a doubt ;

a) That there was never a hearing on the issues had.

b) There was never a hearing on the merits had.No hearing on any issue.

c) There is no part of any of Petitioners complaint, that is not in good faith submitted and well grounded in law and well grounded in fact.

d) That there has been no hearing on the appropriateness of sanctions.

4) IN Foreman v Davis 83 S.Ct.227 Our Supreme Court of the United States Holds; Mr Justice Goldberg delivered the opinion pointing to;

a) "IT is too late in the day and entirely contrary to the spirit of the Federal Rules of Civil Procedure for decisions on the merits to be avoided on the basis such mere techinalities, " The Federal Rules reject the approach that pleading is a game of skill in which one misstep by counsel may be decisive, to the outcome and accept the principle that the purpose of pleading is to facilitate the proper decision on the merits." Conley v Ginson, 355 US 41, 48, 78 S.Ct.99,103, 2 L Ed 2d 80.

b(The rules themselves provided that they are to be construed ' To secure the just speedy an inexpensive determination of every action" Rule 1

C) RULE (15 (a) Declares that leave to amend "shall be freely given,

when justice so requires" ; This mandate is to be heeded . See generally, 3, Moore , Fed. Practice (2ded 1948)15.08 , 15.10, If the underlined facts are circumstantial relied upon by a Plaintiff may be a proper subject of relief , he ought to be afforded an opportunity to test his claim on the merits.

d) "The leave sought should, as the Rules require , be given freely."

e) " The denial is not an exercise of discretion ; it is merely abuse of that discretion and inconsistent with the spirit of the Federal Rules",

The court erred by not including the State as a party. There has been no meaningful hearing had, on the issues in the District Court. It would have been determined that this action is a Case and Controversy demanding constitutional protection. to this Plaintiff-appellant-Petitioner, under the 14th Amendment because of illegal acts of State Agents injury to this Petitioner. CHECK THE DOCKET SHEET, for proof that NO HEARING HAS BEEN HAD, on the merits of this action. NO HEARING ON THE ISSUES. ral Argument imperative and requested.

Individually to Sandra Dale Connor

Rule 43. This Plaintiff-Appellant-Petitioner moves to include the State of Florida as a party. In simple verbage, the injuries inflicted upon this Petitioner have been by Agents of the State of Florida under color of law, and are illegal acts and for this reason are reviewable pursuant to the protection of the law afforded by the 14th Amendment to our Constitution.

As relief to the individual from illegal unconstitutional acts of the State. A copy of this Motion is delivered to the Attorney General State of Florida.

JOHN G. BARROW SR
Rt 1 Box 470
Callahan, Fl 32011
904-845-2475

I CERTIFY this 3rd day of March, 1989 that I did delever a true copy of the above to all Counsel of record.

JOHN G. BARROW JR

CC: to District Court; 11th Cir Court of Appeals.

CHAPTER m) IN RETROSPECT JUST WHAT IS THE PROBLEM ?

This might be better understood by an unrelated happening of a few weeks ago.

1) I was driving my Auto on a parking lot at the post office.

2) Another Vechile driven by the son of the Mayor of Callahan, shot out in front of me like that of a Bullet. I had hit the other Vechile before I had even seen it. I had absolutely no chance to apply my brakes.

3) The Officer investigating the accident works for the little Town of Callahan.Obviously, the Mayor of Callahan's Son could not be negligent, wherefore I was charged with failing to Yield the right of way.

4) The case was heard with no jury.

5)I pleaded " the law gave the right-of-way to no one" That is I should have stopped and likewise the Mayor's Son should have stopped.

6) The attached letter next page explains the Findings.

" Law gives the Right -of-way to no one"

However, this does not apply to the Mayor's Son.

m-2.)

THE COUNTY JUDGE'S COURT

NASSAU COUNTY

Fernandina Beach, Florida 32034

March 9, 1989

Mr John Guy Barrow
Route 1 Box 470
Callahan, Florida 32011

Dear Mr Barrow:

I am sorry not to get back to you sooner, but I have finally had the opportunity to view the acene of the accident first hand.

You are correct that the law gives the right-of-way to no one.But it does say who must yield the right-of-way.

After viewing the scene it is my opinion that you did violate the right-of-way of the other driver. I know it was not done intentionally, as no one looks for an accident, but nonetheless it happened.

It is my finding that you are guilty as charged. The penalty is $52.00. You now have 3 options. You may pay the fine within 30 days; you may attend the defensive driving school and have any points withheld; within 30 days; or you may appeal my decision to the Circuit Court within 10 days.

Sincerely

/s/ Robert E Williams
County Judge

REW/fdr

But (the law does not mean a Damn Thing!)

This is just the point with Hodges, " ALL OF THESE CASES" . (The law does not mean a Damn Thing !)

(i) U.S.C.A. Const. Amend 7

" The denial of a right of jury trial after demand in federal court is an un-constitutional abuse of power in absence of waiver" (This law does not mean a damn thing !)

(ii) " A federal court judgment whether in a civil case or a criminal Case that is reached without due process of law is VOID" (This law does not mean a Damn thing !

(iii) In Morrissey v Brewer 92 S.Ct. @ 2605;

The Supreme Court Holds:

" Moreover in each case the decisionmaker must be impartial there must be some record of the proceedings and the decisionmaker's conclusions MUST BE SET FORTH IN WRITTEN FORM, indicating both the evidence and the reasons relied upon, because of the Due Process Clause requires these procedures"

(THIS LAW DOES NOT MEAN A DAMN THING !)

(iV 55.3 Default Judgment by the court"

If a party has not put in an appearance the court must enter judgment by default - In order to constitute an appearance, however defendant's actions must at least be responsive to plaintiff's formal court action" Beaz v Kresge 96 S.Ct,1495 47 L 2d 745.

m-4.)

(This law does not mean a Damn Thing !)

vi) Federal Rules of Civil Procedure Rule 7 (a) Mandates: there shall be a COMPLAINT AND AN ANSWER. To this date there has been no answer from any defendant. whereupon, the Clerk of the Court at the end of 20 days should have entered default of the variuos defendants"

(This law does not mean a Damn thing !)

(vi) FEDERAL RULES OF CIVIL PROCEDURE RULE 8

b) Defenses Form of Denials:
" A party shall state in short and plain terms his defenses to each claim asserted and shall ADMIT or DENY the averments upon which the adverse party relies"

(This law does not mean a Damn Thing !

(vii) Effect of failure to deny:
" Averments in a pleading to which a responsive pleading is required other than those as to, amount of damage are admitted WHEN NOT DENIED, in the responsive pleading"

(This law does not mean a Damn Thing!)

(viii) In Padovant v Bracheneusen 293 F 2d 546;

The United States Appeals Court Points Out:

" A plaintiff cannot be deprived of his rights without a trial, even if the trial promises to be long and burden-some"

Under the Federal Rules a plaintiff pleads facts not law, and the law is to be applied by the court" Fed. R Civ- P. Rule 54 (c) 28 U.S.C.A.

Are the Federal Rules in error ? Is the Court of Appeals in error ?

The Summary Judgment Procedure is not " A catch penny contrivance" See Whiaker v Colemen (CCA 5th 1940) 115 F 2d 305 § 56.15 (1.05) operating to deprive a litigant of, nor is it a substitute for a LIVE TRIAL WHEN THERE IS ANY GENUINE ISSUE or MATERIAL FACT TO BE TRIED.

There are many, genuine issues of material facts to be tried..

(This law does not mean a Damn Thing !)

Article 1 Section 25 provides:

" The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay"

(This law does not mean a Damn thing !)

In Jones v Bales 58 F.R.D. 453 465;

(ND Ga 1972) aff'd 480 F 2d 805 (5th Cir 1973)

The 5th Cir holds:

m-6.)

" pro se litigants are not subject to the usual incentives against filing repetative frivolous or malicious law-suits They "are immune from imposition of costs if they are unsuccessful; and because of their poverty, they are practically immune from later tort actions for malicious prosecution or abuse of process"

(This law does not mean a Damn Thing !

13) In Louisiana v Junel 107 US 711 719 720 723 727 728 .
In Haygood v Southern 117 US 52 67 et seq
In re Ayers 123 US 443 492
In Pennoyer V McConnaughty 140 US 1, 10 et seq
In Smith v Reeves 178 US 436 440
In Murry v Wilson Distilling Co 218 US 151 168 170
In Lankford v Patta Iron Works Co 235 US 461 469
In Ex parte N.Y. 256 US 500 Also 41 S.Ct.588;

In Dorachay v National Mutual Ins Co 246 F 2221

" It seems to us that the district Court overlooked our liberal rule of Federal practice under which the complaint is not to be dismissed because of plaintiff lawyer has misconceived the proper legal theory of the claim, but is sufficient if it shows that the plaintiff is entitled to ANY RELIEF which the court can grant regardless of whether it asks for the proper relief. 28 U.S.C.A § 2201

(This law does not mean a Damn thing !)

In Occidential Petroleum Corp v Chandler
10 Cir 303 F 2d Cert den 372 US 915 83
S.Ct.718 9 L Ed 2d 722 reh den 373 US
906 83 S Ct.1288 10 L Ed 2d 201

The Court Holds

" The jurisdiction of this court to take action to guarantee a fair and impart ial trial is no longer open to question upon an adequate showing this court has held that it has the " power and inescapable duty" whether under the All Writs Statute 28 U.S.C. § 1651 or under its inherent powers of appellate jurisdiction " to effectuate what seems to be manifest ends of justice"

NOW I ASK YOU, DOES THIS LAW MEAN ANYTHING?

Contrariwise, is all that matters is that of the intent of Hodges, Tjoflat Hatchett and Johnson to wit:

> Defendants " Counsel obtained results sought; (by the court and their co-conspirators) dismissal of the cases (plural) prior to trial and relief from immediate Harassment of the suit "

W H Y ? IS

ONE HUNDRED THIRTY TWO THOUSAND THREE HUNDRED EIGHTY THREE DOLLARS.

In the splitting of the Spoils not stamped Un-ethical or un-conscionable and does come close to describing this corruption.

None of these Judges posess even a Twing of conscience !

This action is a WAR that has been declared by the Federal Courts upon this their, Victim.

This Petitioner is a Man without a Country. Should this Supreme Court of these United States not invoke the All Writs Statute 28 U.S.C. § 1651 then in that event, there is absolutely no relief to be had for this entire Maze of Grievances. This Curse, This Bill of Attainder, inflicted upon this Petitioner rapes the rest of this Petitioner's natural life and that of his family.

Judge Hodges, Judge Tjoflat, Judge Hatchett and Judge Johnson, cannot read or can they have any respect for Case Law or Statutory law, or our Constitution of these United States. Is our Constitution of these United States really dead ?

Khadafy, only Kidnaps his Victim. The U.S. Fed Court Maims their Victim for life with sanctions $132,383.38 plus.

Is there any way for any reasonable thinking and reading community to conceive of any Judge alleging that he is competent and impartial while effervescing with so much rath, infection, abomination, vengence,odium and enmity,as to inflict ONE HUNDRED THIRTY TWO THOUSAND, THREE HUNDRED EIGHTY THREE DOLLARS on a defenseless pro se person with no legal education and can you believe that any 11th Circuit Judge is without personal interest in the splitting of the ONE HUNDRED THIRTY TWO THOUSAND EIGHTY THREE DOLLARS when like that of (Judge handling) Wahl's Jacksonville Bar Brothers Tjoflat and Hatchett levy still more cruel and unjust punishment on this same Victim of the Federal Court and for what ? I ask you ? Only for asking for Redress of Grievances. Not exactly the American Dream.

n-2.)

UNITED STATES DISTRICT COURT
MIDDLE DISTRIC T OF FLORIDA
Jacksonville Division

Filed Nov 4 5:59 PM '88

JUDGMENT IN A CIVIL CASE

JOHN G. BARROW JR

Plaintiff,

V CASE NO 84-982-Civ-J-10

JACK REED et al

Defendants

Jury Verdict: This action acme before the court for a trial by jury. The issues have been tried and the jury has rendered its verdict:

X Decision by Court: This action came before the court for trial or hearing . The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that FINAL JUDGMENT is entered against Plaintiff JOHN G BARROW JR and for Defendants JACK REED and TALLAHASSE DEMOCRAT in the amount of $6,068.19

November 4, 1988 Donald Cinnmond
Date Clerk

/s/ Mary Francis Kenally
Copies to Counsel of record

n-3.)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Jacksonville Division

Filed Nov 4 5:59 PM '88

JUDGMENT IN A CIVIL CASE

JOHN G BARROW JR

Plaintiff

V CASE NO 982-Civ-J-10

JACK REED etal

Defendants

Jury Verdict: This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court: This action came to trial or hearing before the court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that FINAL JUDGMENT is entered against the plaintiff JOHN G BARROW JR and for Defendants GAINESVILLE SUN, FERNANDINA BEACH NEWS LEADER and SARASOTA HERALD TRIBUNE, in the amount of $5,070.73.

November 4, 1988
Date

Donald Cinnmond
Clerk

/s/ Mary Francis Kennelly
Deputy Clerk

Copies to counsel of record

n-4.)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

Filed May 11 4:57 PM '88
Clerk Dist Court
Jacksonville Division

JUDGMENT IN A CIVIL CASE

JOHN G BARROW JR

Plaintiff

V CASE NO. 84-1191-Civ-J-10

Harold B Wahl Lawrence Page Haddock and Henry F Martin

Defendants.

JURY VERDICT: This action came to trial by jury before this Count. The issues have beed tried and the jury has rendered its verdict.

X DEcision by court: This action came to trial or hearing before the court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED:

Pursuant to the Court¦s order May 10, 1988 Final Judgment is entered against the Plaintiff, John G Barrow Jr and in favor of Defendant Harold B Wahl in the amount of $4,813.00

May 11, 1988 Donald Cinnmond
Date Clerk

/s/ Marsha Campbell
Deputy Clerk

CC Counsel of record

n-5.)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

Filed June 3, 3;%0 PM '88
Clerk of Dist Court
Jacksonville, Florida

JUDGMENT IN A CIVIL CASE

JOHN G BARROW JR

Plaintiff

V CASE NO. 84-589-Civ-J-10

JAMES HARRISON et al

Defendants

Jury Verdict: This action came before the court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court: This action came to trial or hearing before the court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED:

that pursuant to the Court's order May 10, 1988 Final Judgment is entered against Plaintiff, John G Barrow Jr and in favor of the defendants Cook, Mastroianni, and Channell 12 WTLV in the amount of $5,384.83

CC: To
John Barrow Jr June 3,1988 Donald Cinnamond
Jason Vail /s/ Sandra Cain
Marshall Wood Deputy Clerk
Harold Wahl

n-6.)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

Filed Nov. 4 5:59 PM '88

JUDGMENT IN A CIVIL CASE

JOHN G BARROW JR

Plaintiff

V CASE NO. 84-982-Civ-J-10

JACK REED et al

Defendants

JURY VERDICT: This action came before the court for trial,by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by court: This action came to trial or hearing before the court. The issues have been tried or heard and a decision has been rendered by the court.

IT IS ORDERED AND ADJUDGED that FINAL JUDGMENT is entered against JOHN G BARROW JR and for Defendant ASSOCIATED PRESS in the amount of $4,135.51

Novemver 4 1988 Donald Cinnmond
Date Clerk

/s/ Mary Francis Kennilly
Deputy Clerk

Copies to Counsel
of record

n-7)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

Filed Nov 4 5:59 PM '88
Clerk Dist Court
Jacksonville Florida

JUDGMENT IN A CIVIL CASE

JOHN G BARROW JR
Plaintiff

V CASE NO. 84-982-Civ-J-10

JACK REED et al

Defendants

Jury Verdict: This action came before the court for trial by jury. The issues have been tried and the jury has rendered ots verdict.

X Decision by court: This action came to trial or hearing before the court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that FINAL JUDGMENT is entered against the Plaintiff John G Barrow Jr and For Defendants MIDNIGHT GLOBE in the amount of $3,482.49

November 4 1988
Date

Donald Cinnamond
Clerk

/s/ Mary Francis Kinnilly

n-8.)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Jacksonville Florida Div.

Filed Nov. 4 5:59 PM '88
Clerk Dist Court
Jacksonville Florida

JUDGMENT IN A CIVIL CASE

JOHN G BARROW JR

Plaintiff

V CASE NO. 84-982-Civ-J-10

JACK REED et al

Defendants

Jury Verdict: This cation came before the court for a jury trial. The issues have been tried and the jury has rendered its verdict.

X Decision by court: This action came to trial or hearing before the court. The issues have been tried or heard and a decision has been renderd.

IT IS ORDERED AND ADJUDGED that FINAL JUDGMENT is entered against the plaintiff JOHN G BARROW JR and for Defendants FLORIDA PUBLISHING COMPANY in the amount of $4,212.00

November 4, 1988 Domald Cinnmomd
Date Clerk

/s/ Mary Francis Kennilly
Deputh Clerk

Copies to Counsel of record

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

Filed May 11, 4:47 PM '88
Clerk Dist Court
Jacksonville Florida

JUDGMENT IN A CIVIL CASE

JOHN G. BARROW JR

Plaintiff

V CASE NO 84-1191-Civ-J-10

Harold B Wahl, Lawrence Page Haddock and Henry F Martin

Defendants

Jury Verdict: This action came before the court for trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court: This cation came to trial or hearing before the court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED.

Pursuant to the Court's order May 10, 1988 Final Judgment is entered against John G Barrow Jr and in favoe of defendants Lawrence Page Haddock and Henry F Martin in the amount of $3,332.00.

May 11, 1988
Date

Donald Cinnamond
Clerk

/s/ Marsha Campbell
Deputy Clerk

CC Counsel of record

n-10.)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Jacksonville Division

Filed Nov 4 5:59 PM '88
Clerk Dist Court
Jacksonville Florida

JUDGMENT IN A CIVIL CASE

JOHN G BARROW JR

Plaintiff

V CASE NO. 84-982-Civ-J-10

JACK REED et al

Defendants

Jury Verdict: This action came before. the court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court: This action came to trial or hearing before the court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED: that FINAL JUDGMENT is entered against JOHN G BARROW JR and for Defendants ST AUGUSTINE RECORD in the amount of $3,237.71

November 4, 1988
Date

Donald Cinnmond
Clerk

/s/ Mary Francis Kennely

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE EIVISION

Filed Nov. 4 5; 9 PM '88
Clerk Dist Court
Jacksonville Florida

JUDGMENT IN A CIVIL CASE

JOHN G BARROW JR

Plaintiff

v CASE NO. 84-982-Civ-J-10

JACK REED et al,

Defendants

Jury Verdict: This action came before the court for a trial by jury. The issues have been and the jury has rendered its verdict.

X Decision by Court: This action came to trial or hearing before the Court. The issue have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED: that Final Judgment is entered against JOHN G BARROW JR Plaintiff, and for Defendant BEN C WILLIS in the amount of $1,657.50

November 4, 1988 Donald Cinnamond
Date Clerk

Copies to Counsel of record

/s/ Mary Francis Kennilly
Deputy clerk

n-12.)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Jacksonville Division

Filed Nov 4 5:59 PM '88
Clerk US Dist Court
Jacksonville Florida

JUDGMENT IN A CIVIL CASE

JOHN G BARROW JR

Plaintiff

V Case No 84-982-Civ-J-10

JACK REED et al

Defendants

Jury Verdict: This action came before the court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by court: This action came to trial or hearing before the Court The issues have been tried or heard and a decision has been renderd.

IT IS ORDERED AND ADJUDGED: that Final judgment is entered against the Plaintiff John G Barrow Jr and in favor of all other defendants.

November 4,1988
Date

Donald Connmomd
Clerk

CC: Counsel of record

/s/ Mary Francis Kinnally
Deputy Clerk

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

JOHN G. BARROW JR

Plaintiff,

v Case No. 84-104-Civ-J-10

AMERICAN TELEPHONE AND
TELEGRAPH COMPANY et al

Defendants

_____/

AFFIDAVIT

STATE OF FLORIDA

COUNTY OF DUVAL

Before the subscriber personally appeared HAROLD B WAHL who first being duly sworn deposes and says that he has been admitted to practice law since 1932 in all State and Federal Courts in Florida and the Supreme Court of the United States since 1936.

He has handled the case of John G Barrow Jr v American Telephone and Telegraph

w-2.)

April 29, 1985

The New York Times Company
Legal Department
229 West 43 Street
New York, New York 10036

TO:

Wahl and Gabel P.A.
920 Barnett Bank Building
Jacksonville, Florida 32202

PROFESSIONSL SERVICES: to date in case of John G Barrow Jr v Jack Reed et al, Case No 84-982-Civ-J-12, United States District Court, Middle District of Florida, including September 20-21 1984; call from Thurm, New York Times Company, draft of Motions Wahl -1.1 hrs; September 24, 1984, receipt and study of file, putting motions in final form (Wahl) -1.5 hrs; October 1, 1984, call from Thurn, handling with Barrow (Wahl) - 3 hrs; October 2-4 1984 preparation of motions on interrogatories (Gainesville Sun and Fedrnandina News Leader and letter (Wahl) -1.6 hrs; October 9, 1984, papers delivered by Barrow,preparation of motions to dismiss and for sanctions etc. (Wahl) 3.2 hres; October 11, 1984, receipt of interrogatories (Sarasota Herald Tribune study, and letter (Wahl) -1.1 hrs; October 16, 1984, receipt and review of letter from Ms Namke and reply (Wahl) .9 hrs; October 22, 1984, letter from Thrum and reply (Wahl) .6 hrs; November 1, 1984, motion for sanctions and protective order (Wahl) 1.1 hrs; November 6, 1984, receipt of Barrow's motion and letter 1.1 hre ; November 16, 1984, letter from Thurm and reply Wahl) .7 hrs;

letter from co-counsel handling . study of papers and reply, (Wahl) -2.6 hrs;

Januray 29,1985 letter and handling Wahl) .5 hrs; February 18, 1985, recusal of Judge Melton Howell handling and letter (Wahl) .4 hrs; April 6,1985. receipt of Order of Chief Judge Hodges , entered April 5, 1985, enjoining Barrow handling and letter of April 10, 1985, (Wahl) .6 Hrs

$2,670.00

w-4.)

January 13, 1986

The New York Times Company
Legal Department
229 West 43 Street
New York, New York 10036

TO:

WAHL & GABEL P.A.
920 Barnett Bank Building
Jacksonville, Florida 32202

PROFESSIONSL SERVICES: to date for Gainesvill Sun Publishing Co. Fernandina Beach News Leader, and Sarasota Herald Tribune, since our statement of April 29 1985, in Case of John G Barrow Jr v Jack Reed et al, Case No. 84-982-Civ-J-12, United States District Court Middle District of Florida including May 9-17 notice of appeal, handling with Clerk letter . .8 hrs); Wahl; May 20, 1985, allocation of hearing before Magistrate ,report preparation of motion, 2.2hrs -Wahl; July 23-24, 1985 receipt of Barrow's brief preparation of motion letter 2.5 hrs Wahl; August 2, 1985 handling with counsel letter .5 hrs Wahl; August 8, 1985 handling with Thurm letter .3 hrs;Wahl; October 4, 1985 order and letter .5 hrs Wahl; October 4, 1985 handling with clerk and letter .4 hrs (Wahl; October 14, 1985 handling with clerk and letter .3 hrs Wahl) October 23, 1985 letter .3 hrs Wahl) January 6, 1986 receipt of opinion from Court of Appeals, trip to court study preliminary work on motion 1.6 hrs Wahl) January 7, 1986 preparation of motion 1.1 hrs Wahl) January 8, 1986 completion of motion filing and letter .7 hrs Wahl)

$1,695.00

October 16, 1986

The New York Times Company
Legal Department
229 43 Street
New York,New York 10036

TO:

Wahl & Gabel P.A.
920 Barnett Bank Building
Jacksonvile,Florida 32202

FOR PROFESSIONAL SERVICES: since January 13, 1986 for Gainesville Sun Publishing Company, Fernandina Beach News Leader and Sarasota Herald Tribune in Case No 84-982-Civ-J-12, John G Barrow J v Jack Reed et al United States District Court Middle District of Florida Jacksonville Division including;

January 27, 1986, advises as to status .3 hrs- Wahl) February 3, 1986 receipt of mandate; handling with clerk and receipt from Barrow of Motion for recusal .4 hrs- Wahl) February 19, 1986, receipt of Barrow's application for an extraordinary Writ Under Tiele V; handling with Clerk office and report .5 hrs Wahl) March 6, 1986 Receipt of Barrow's Affidavit in support of motion for recusal and order from clerk ,5 hrs Wahl) May 13, 1986 receipt of amended Complaint and order permitting same, preparation and filing motion to dismiss and for samctions.9 hrs- Wahl) June 2, 1986 receipt of Barrow's response to motions and report . 5 hrs Wahl) September 1,, 1986 receipt of Barrow's motion of protest, notice of appealfrom clerk of court of appeals and handling with Magistrates office . 5 hrs Wahl)

w-6 .)

April 29, 1985

MORRIS COMMUNICATIONS CORPORATION
P.O. BOX 936
Augusta, Georgia 30913

TO:

WAHL & GABEL P.A.
920 Barnett Bank Duilding
Jacksonville, Florida 32202

PROFESSIONAL SERVICES to date for the St Augustine Record in case of John G Barrow Jr v Jack Reed et al, Case No 84-982-Civ-J-12; United States District Court, Middle District of Florida including September 28, 1984, call from Simon letters, preparatin of motions to dismiss et al and sanctions Wahl) 2.3 hrs October 31, 1984 handling and letter to Employars Reinsurance Corp. motion for sanctions (Wahl) 1.2 hrs; November 5, 1984, Barrow's motion and letter; Wahl) .4 hrs; November 19, 1984, handling with Employers Reinsurance Corp. as to coverage (Wahl.5 hrs. November 30, 1984, letters from Hudson and EmployersReinsurance Corp. study and report (Wahl) . 9 hrs December 11, 1984, receipt of protective Order letters and handling (Wahl) .8 hrs correspondence with Hudsonand Employers Reinsiuance Corporation dated December 20, 1984 (Wahl) .5 hrs December 26, 1984 handling with cocounsel and letter (Wahl .5 hrs ; January 29 1985, handling with co-counsel and letter (Wahl . 4 hrs April 10, 1985, receipt of order from Chief Judge Hodges enjoining Barrow and report

w-7 .)

January 10, 1986

Morris Communications Corporation
P.O. Box 936
Agusta, Georgia 30919

TO:

WAHL & GABLE P.A.
920 Barnett Bank Building
Jacksonville, Florida 32202

PROFESSIONAL SERVICES: to date for the ST Augustine Record since our statement of April 29 1985, in case of John G. Barrow Jr v Jack Reed et al, Case No 84-982-Civ-J-12, United States District Court Middle District of Florida, including May 9-10, 1985, handling as to appeal to the Eleventh Circuit 1.1 hrs (Wahl May 10, 1985 allocation of time on Magistrate's hearing and report 1.1 hrs Wahl) July 23-24 1985, allocation of time for motions in Court of Appeals calls to clerk 2.0 hrs Wahl) August 2, 1985, handling with clerk and letter reply, .9 hrs Wahl) August 5, 1985, handling letter and reply .5 hrs.Wahl) October 4, 1985, handling with clerk and letter, .3 hrs (Wahl) October 16, 1985 order and letter .3 hrs (Wahl) November 11, 1985, handling with clerk and letter . 3 hrs (Wahl) January 6, 1986 receipt of opinion from court of appeals for the Eleventh Circuit trip to Court study 1.4 hrs Wahl) January 7, 1986 preparation of motion .3 hrs Wahl) January 8,1986 letter completion of motion and filing .4 hrs Wahl)

w-8 .)

LAW OFFICE OF

WAHL AND GABLE

OCTOBER 16, 1986

Morris Communications Corporation

P.O. Box 936

Augusta, Georgia 30913

TO:

Wahl and Gable
920 Barnett Bank Building
Jacksonville, Florida 32201

FOR PROFESSIONAL SERVICES: Since January 10, 1986, for the St Augustine Record in case of John G Barrow Jr v Jack Reed et al, Case No 982-Civ-J-12 United States District Court Middle District of Florida Jacksonville, Division. including ;

February 3, 1986 receipt of mandate and motion from Barrow, handling with client .4 hrs Wahl) February 19, 1986, receipt of various pleadings and affidavit filed by Barrow,Barrow's application for an extraordinary Wtit Under Title V and handling with clerk .6 hrs Wahl) March 6, 1986 receipt of papers in support of Barrow's Motion for recusal of Judge Hodges and

Order from court denying Barrow's various Motions and handling .4 hr (Wahl) May 13, 1986 letter to client advising receipt of Amended Complaint, leave to File Amended Complaint and Motion to Dismiss and for sanctions and handling .4 hrs (Wahl) June 2, 19856 handling with client and Barrow's response to Motions to Amended Complaint .4 hrs Wahl) September 11, 1986, receipt of Barrow's Motion of protest and advises as to appeal and handling with Magistrate's office. .5 hrs Wahl.

$405.00

DISBURSEMENTS:

Photocapies $68.50

w-10.)

April 29, 1985

ROGERS & WELLS
200 Park Avenue
New York, New York 10166

TO:

WAHL AND GABLE
920 Barnett Bank Building
Jacksonville, Florida 32202

PROFESSIONAL SERVICES to date for Associated Press in Case of John G Barrow Jr v Jack Reed et al. Case no 84-982-Civ-J-12 United States District Court, Middle District of Florida, including June 29, 1984 call on representing the Associated Press, contact Wahl),Woodlief .3 hrs, June 30 1984, conference and handl - ing Woodlief -1.6 hrs October 10 1984 work on motion Woodlief . 5 hrs October 30, 1984 conference preparation of Mot-ions and letter (Wahl 2.1 Hrs, November 7, 1985 Barrow's motion to deny attorney's handling and letter (Wahl 1.2 hrs- Decem-ber 11, 1984 handling and report Whal) 9.hrs December 26, 1984 receipt of order and handling with Woodlief (Wahl - .9 hrs January 16, 1984 conference with Ms Hart and letter Woodlief .3 hrs Janusry 29, 1985, letter and handling (wahl .3 hrs February 18, 1985 order from judge handl-ing and report Wahl .5 hrs April 10,1985 receipt of Order from Chief Judge Hodges enjoining Barrow and letter (Wahl .7 hrs.

$1,179.00

DISBURSEMENTS

January 13, 1986

ROGERS & WEELS
200 Park St
New York, New York 10166

TO:

WAHL AND GABLE
920 Barnett Bank Building
Jacksonville, Florida 32202

PROFESSIONAL SERVICES: to date for Associated Press since our statement of April 19, 1985 in Case of John G Barrow Jr v Jack Reed et al, Case No 84-982-Civ-12, United States District Court, Middle District of Florida including May 9, 1985, receipt of appeal and letter .5 hrs Wahl) May 17, 1985 handling with clerk .5 hrs (Wahl) July 24, 1985 receipt of Barrow's Brief perparation and filing of motion 2.2 hrs (Wahl; August 2, 1985 handling with counsel letter .4 hrs (Wahl; August 8, 1985 receipt of Barrow's reply study letter 1.2 hrs Wahl; August 16, 1985 order and letter .5 hrs Wahl) October 4, 1985, handling with clerk letter .5 hrs Wahl) October 23, 1985 letter .3 hrs Wahl) November 14, 1985 handling with clerk letter .4 hrs Wahl) January 6, 1986, receipt of opinion from court of Appeals study trip to court , preliminary work on motion 1.4 hrs Wahl) January 7, 1986, preparation of motion .9 hrs Wahl)

w-12.)

April 29 1985

Rogers & Wells

200 Park Street

New York, New York 10156

TO:

WAHL & GABLE P.A.
920 Barnett Bank Building
Jacksonville, Florida 32202

PROFESSIONAL SERVICES: to date for Associated Press in case of John G Barrow Jr v Jack Reed et al, Case No. 84-982-Civ-J-12 United States District Court Middle District of Florida including June 29, 1984, call on representing the Associated Press, contact Wahl Woodlief) .3 hrsJune 30, 1984 Conference and handling (Wooflief) 1.6 hrs October 17, 1984 work on motions (Woodlief) .5 hrs; October 30,1984, conference preparation of motions and letter Wahl) 2.1 hrs; November 7, 1985 Barrow's motion to deny attorney's fees handling and letter (Wahl 1.2 hrs; December 11, 1984, handling and report (Wahl .9 hrs December 24, 1984, receipt of order and handling with Woodlief (Wahl) .9 hrs January 16, 1984, conference with Ms Hart and letter (Woodlief) .3 hrs January 29, 1985 letter and handling (Wahl .3 hrs February 18, 1985 order from judge, handling, and report (Wahl) .5 hrs April 10,1985, receipt of order from Chief Judge Hodges enjoining Barrow and letter (Wahl .7 hrs

$1,179.00

October 16, 1986

Associated Press
% Rogers & Wells
200 Park Street P.A.
New York, New York 10166

TO:

WAHL & GABLE P.A
920 Barnett Bank Building
Jacksonville, Florida 32202

PROFESSIONAL SRVICES: from January 13, 1986 to date in case of John G Barrow Jr v Jack Reed et al, Case No. 84-982-Civ-J-12 United States District Court Middle District of Florida Jacksonville, Division, including January 13,1986, handling with Messers Winfield and Wilkins .4 hrs (Wahl) February 3, 1986 advises as to pleadings received from Barrow, and report of mandate from court of Appeals .7 hrs (Wahl) February 19, 1986 receipt of various papers including Application for an extraordinary Writ Under Title V and Handling with clerk's office .7 hrs (Wahl) March 6 1986 receipt of Barrow's Motion for Recusal and Order denying Motion to file Amended Complaint .3 hrs Wahl) May 13, 1986, receipt and forwarding to Client of Amended Complaint and filing motion to Dismiss Amended Complaint and for sanctions .9 hrs, (Wahl) June 2, 1986, Barrow's response to Motion to Amended Complaint and letter .5 hrs (Wahl) September 11, 1986 receipt of Motion of protest from Barrow and letter from clerk .3 hrs WahL)

$570.00

DISBURSEMENTS:
Photocopies $23.75

w-14.)

April 26, 1985

Deutsch Levy & Engle
33 North LaSalle Street
Chicago, Illinois 60602

TO:

WAHL AND GABLE P.A.
920 Barnett Bank Building
Jacksonville, Florida 32202

PROFESSIONAL SERVICES for Midnight Globe in case of John G Barrow jr v Jack Reed et al, Case No 84-982-Civ-J-12 United States District Court Middle District of Florida including October 31, 1984 two calls from Chicago and handling Wahl) .8 hrs, November 1,1984, receipt of papers , preparation of motion to dismiss for attorney's fees and motion for protective order and sanctions, letter Wahl) 2.2 hrs; November 21, 1984 receipt of Barrow's motion to deny handling and letter Wahl) .9 hrs December 5, 1984, order and letter (Wahl) .5 hrs December 13, 1984 order and letter (Wahl) .5 hrs December 13, 1984, order and letter Wahl) .5 hrs December 14, 1984 letter Wahl) .3 hrs December 18, 1984 motion and letter Wahl) .4hrs, February 18, 1984 ,1985 letter and report Wahl) .3 hrs April 10, 1985 receipt of Order from Chief Judge Hodges enjoining Barrow (Wahl) .5 hrs.

$1,035.00

DISBURSEMENTS:
Photocopies $13.50
TOTAL FEE AND DISBURSEMENTS DUE $1.048.50

w-15.)

January 10, 1986

Deutach, Levy & Engle
33 North LaSalle Street
Chicago, Illinios 60602

TO:

WAHL AND GABLE P.A.
920 Barnett Bank Building
Jacksonville, Florida 32202

PROFESSIONAL SERVICES: to date for Midnight Globe since our statement of April 26, 1985, in case of John G. Barrow Jr v Jack Reed et al, Case No 84-982-Civ-J-12 United States District Court, Middle District of Florida, including May 9, 1985 notice of appeal to the Eleventh Circuit and letter 1.2 hrs Wahl) May 10-17 1985 letters to clerk and handling .4 hrs Wahl) May 20, 1985, allocation of time for hearing and report 2.0 hrs, Wahl) July 24,1985 receipt of Barrow's appeal brief handling and letters 2.3 hrs Wahl) August 2, 1985 letter and handling with counsel, .9 hrs Wahl) August 8, 1985, letter and handling with counsel .5 hrs Wahl) August 16, 1985, order and letter .3 hrs Wahl) October 4 1985 handling with clerk and letter ,4 hrs Wahl) October 23, 1985 .3 hrs Wahl) November 14, 1085 handling with clerk and letter .4 hrs Wahl) January 6, 1986 receipt of opinion from court of appeals study trip to court preliminary work on motion .1.4 hrs Wahl) January 7, 1985 preparation of motion .9 hrs Wahl) January 8, 1986 compl=etion of motion and filing receipt of date from Barrow .7 hrs Wahl)

$1,755.00

w-16.)

October 16, 1986

Midnight Globe
Deutsch, Levy & Engle
33 North LaSalle Street
Chicago, Illinois 60602

TO:

WAHL AND GABLE P.A.
920 Barnett Bank Building
Jacksonville, Florida 32202

PROFESSIONAL SERVICES since January 10, 1986 for Midnight Globe in case of John G Barrow Jr v Jack Reed et. al, Case No 84-982-Civ-J-12 United States District Court Middle District of Florida, Jacksonville Division, including;

February 3, 1986,receipt of mandate from court of appeals handling with clerk receipt of motion to recuse Judge Hodges from Barrow, and handling .4 hrs, Wahl) February 19, 1986 receipt of Barrow's application for an Extraordinary Writ Under Title V handling with clerk's office .4 hres Wahl) March 6, 1986, receipt of Affidavit in Support of Recusal and order from Magistrate and handling .4 hrs Wahl) May 8 1986, receipt of Amended Complaint and order Granting Leave to Amend Complaint preparing and filing Motion to Dismiss and for sanctions .9 hrs Wahl) 1.0 hrs McDonald May 13, 1986 letter to Kahane .3 hrs Wahl) May 22, 1986 letter to Kahane, .2 hrs Wahl) May 28, 1986 Barrow's latest response and handling with Lahane .4 hrs Wahl) September 11, 1986 receipt of Barrow's motion of protest advices from court of appeals as to notice of appeal by Barrow and handling with the Magistrate.

31 1984, preparation of motion for sanctions and protective order and letter Wahl) 1.8 hrs November 5, 1984 receipt of order from Magistrate and letter Wahl) 1.1 hrs November 5, 1984 handling with Funk Motion for attorney's fees Wahl) 1.2 hrs; November 6, 1984; receipt of amended complaint and preparation of motion Wahl) -2.2 hrs November 26, 1984, receipt of Barrow's motions and Magistrate's order staying discovery and letter Wahl)- 1.0 hrs November 27, 1984 served by process server and letter (Wahl) .9 hrs' December 20, 1984 receipt of papers and letter Wahl) .9 hrs December 27, 1984 letter Wahl .4hrs; January 2, 1985 receipt of plaintiff's response and letter(Wahl) .7hrs; January 15, 1985, Barrow's motion to disqualify government counsel handling and letter Wahl .7hrs; January 21, 1985, Judge's response and letter Wahl) .7hrs February 18, 1985 order of recusal and letter Wahl) . 8hrs; February 28, 1985 order allowing amendment by Barrow Wahl) .6hrs March 6, 1985 receipt of amended complaint study, preparation of motion and letter Wahl) 2.6 hrs March 13, 1985 Barrow's response and letter Wahl) .8hrs; March 15, 1985; Correspondance Wahl) .3hrs April 10,1985, order from court enjoining actions by Barrow handling and letter Wahl .5 hrs.

$4,285.00

DISBURSEMENTS

Photocopies	$85.75
Long distance calls	25.31
Extra postage	1.60
TOTAL	$1 12.66

w-18.)

April 26 1985

Television 12 of Jacksonville Inc
WTLV Channel 12
P.O. Box TV12
Jacksonville, Florida 32231

TO:

WAHL AND GABLE P.A
920 Barnett Bank Building
Jacksonville, Florida 32202

PROFESSIONAL SERVICES: to date for Defendant Channell 12 Laura Cook and Ernie Mastroianni in case of John G. Barrow Jr v Harrison et. al, Case No 84-589-J-14 United States District Court Middle District of Florida,including July 31, 1984 Handling with Richardson receipt of papers and letter, Woodlief) .5 hrs, August 15-17 1984 obtaining files review and work on motions (Woodlief) 2.2 hrs; August 20,1984, final draft of motions serving and filing handling with Richsrdson (Woodlief) - 5.6 hrs August 21, 1984, handling motion to dismiss, motion to striks Wahl) 1.2 hrs August 22, 1984 motion to tax attormey's fees Wahl) 1.3 hrs August 23, 1984, letter and review of Barrow's motions Wahl) 1.0 hrs, August 29, 1984, further handling and letter Wahl) .8 hrs, September 11, 1984 letter and Handling Wahl) .5 hrs September 27, 1984, letter and handling Wahl) .5 hrs September 27,1984 letter and memorandum to and from attorney General Wahl) 1.0 hrs October 19, 1984 letters to and from Morrall Whal) .9 hrs October 31, 1984 motions for sanctions and protective order handling and letter Wahl) 2.4 hrs November 19,1984 response from Barrow

and report Wahl) .9 hrs December 10, 1984 receipt of orders or recusal and granting sanctions letter Wahl) .9 hrs, December 27, 1984, Wahl) .2 hrs January 29, 1985 report Wahl) .2 hrs Februray 18, 1985 recusal of Judge Melton Wahl) .2 hrs Handling and report .3 hrs April 10, 1985 receipt of order from Judge Hodges enjoining Barrow and report Wahl) .5 hrs

w-20.)

January 13, 1986

Television 12 of Jacksonville Inc
WTLV Channell 12
P.O. Box TV12
Jacksonville, Florida 32231

TO:
WAHL AND GABLE P.A.
920 Barnett Bank Building
Jacksonville, Florida 32202

PROFESSIONAL SERVICES to date for defendants Laura Cook and Ernie Mastroianni since our statement of April 26, 1985, in case of John G Barrow Jr v Harrison et al Case No 84-589-Cib-J-14, United States District Court Middle District of Florida including June 5, 1985, receipt of transcript on appeal to the Eleventh Circuit review, letter 1.0 hrs Wahl) June 7, 1985 receipt of appellant's brief work on reply, 3,2 hrs Wahl) June 10,1985 final brief letters 3.0 hrs Wahl) .5 hrs Woodlief) June 13. 1985 telephone conference withWahl conferences with Woodlief and Drew .3 hrs Zimmerman June 24, 1985 receipt of Barrow's response study letter 1.5 hrs Wahl) Augist 16, 1985 order and letter .5 hrs Wahl) September 9, 1985, telephone conference with Clerk's office letter to clerk .6 hrs Woodlief October 4, 1985 handling with Clerk letter .8 hrs Wahl) October 23, 1985 letter .3 hrs Wahl) January 6, 1986 receipt of opinion from eleventh circuit court of appeals trip to court study preliminary work on motion 1.4 hrs Wahl) January 7 1986 preparation of motion .9 hrs Wahl) January 8, 1986 filing motion and letter .6 hrs Wahl)

October 14, 1986

WTLV Channel 12
Post Office Box YV12
Jacksonville, Florida 32231

TO:
WAHL AND GABLE P.A
920 Barnett Bank Building
Jacksonville,, Florida 32202

FOR PROFESSIONAL SERVICES: since statement of January 13, 1986on behalf of Channell 12 in case of John G. Barrow Jr v.James Harrison et al, Case No 84-589-Civ-J-14 United States District Court Middle District of Florida at Jacksonville, including;

Letter of January 14, 1986 to insurance counsel letter of January 14, 1986 and handling .3 hrs (Wahl) receipt of Mandate from the eleventh circuit handling and letter of February 3, 1986 1.1 hrs; Wahl) receipt and review of Defendant Harrison's response on February 6 1986, .4 hrs Woodlief; letter of Februray 19, 1986 as to Barrow's application for an Extraordinary Writ . hr Wahl) handling on March 6 1986 and letter preparation on motion to strike and motion for sanctions; filing and letter of June 2, 1986 .9 hrs Wahl) drafting motion to strike and alternatively to dismiss second amended complaint on May 19, 1986 1.5 hrs McDonald) letter and handling on September 11, 1986 .5 hrs Wahl)

$568.00

DISBURSEMENTS

Photocopies	$18.00
Extra postage	1.36

w-22.)

Florida Publishing Company
Page 3 Statement
January 15, 1985

John G. Barrow Jr v Jack Reed et al,
January 15, 1985

Handling of suit of John G Barrow Jr v Florida Publishing Company et al, Case No 84-982-Civ-J-14, United States District Court Middle District of Florida Jacksonville Division, including October 1-2 1984, motion to strike Barrow's Interrogatories and objections 1.6 hrs Wahl) October 8, 1984 letter and review of file 1.9 hrs; Wahl) October 31, 1984 preparation and filing of motion for sanctions 1.1hrs Wahl) November 7, 1984 receipt and review of Barrow's motion and letter .7 hrs Wahl) December 11, 1984, receipt of Magistrate Schlesinger's order granting our motion for protective order and sanctions, .9 hrs Wahl) December 26, 1984 letter from other counsel and reply .4 hrsWahl)

w-21.)

October 14, 1986

WTLV Channel 12
Post Office Box YV12
Jacksonville, Florida 32231

TO:
WAHL AND GABLE P.A
920 Barnett Bank Building
Jacksonville,, Florida 32202

FOR PROFESSIONAL SERVICES: since statement of January 13, 1986on behalf of Channell 12 in case of John G. Barrow Je v.James Harrison et al, Case No 84-589-Civ-J-14 United States District Court Middle District of Florida at Jacksonville, including;

Letter of January 14, 1986 to insurance counsel letter of January 14, 1986 and handling .3 hrs (Wahl) receipt of Mandate from the eleventh circuit handling and letter of February 3, 1986 1.J hrs; Wahl) receipt and review of Defendant Harrison's response on February 6 1986, .4 hrs Wood-lief; letter of Februray 19, 1986 as to Barrow's application for an Extraordinary Writ . hr Wahl) handling on March 6 1986 and letter preparation on motion to strike and motion for sanctions; filing and letter of June 2, 1986 .9 hrs Wahl) drafting motion to strike and alternatively to dismiss second amended complaint on May 19, 1986 1.5 hrs McDonald) letter and handling on September 11, 1986 .5 hrs Wahl)

$568.00

DISBURSEMENTS

Photocopies	$18.00
Extra postage	1.36

w-22.)

John G. Barrow Jr v Jack Reed et al,
January 15, 1985

Handling of suit of John G Barrow Jr v Florida Publishing Company et al,Case No 84-982-Civ-J-14, United States District Court Middle District of Florida Jacksonville Division, including October 1-2 1984, motion to strike Barrow's Interrogatories and objections 1.6 hrs Wahl) October 8, 1984 letter and review of file 1.9 hrs; Wahl) October 31, 1984 preparation and filing of motion for sanctions 1.1hrs Wahl) November 7, 1984 receipt and review of Barrow's motion and letter .7 hrs Wahl) December 11, 1984, receipt of Magistrate Schlesinger's order granting our motion for protective order and sanctions, .9 hrs Wahl) December 26, 1984 letter from other counsel and reply .4 hrsWahl)

Barrow v Reed (Florida Publishing Company)

February 3, 1986 advises as to word from District Court and Barrow's motion for recusal etc. .5 hrs Wahl) February 19, 1986 receipt of Barrow's application for Extraordinary Writ Under Title V, handling with Clerk .4 hrs Wahl) March 6 1986 receipt of Barrow's Affidavit in support of Motion for recusal Order from Magistrate and letter .4 hrs Wahl) May 13, 1986 receipt of Amended Complaint and order permitting same, preparation and filing motion to dismiss and for sanctions letter 1.2 hrs Wahl) June 2, 1986 receipt of Barrow's response to motions to amended complaint letter .6 hrs Wahl) September 11, 1986 receipt of Barrow's motion of protest advices from Court of appeals as to Barrow's appeal handling with Magistrate's office letter .5 hrs Wahl)

$540.00

w-24.)

Barrow v Jack Reed et al Florida Publishing Company

January 29, 1985 report .3 hrs Wahl) February 18, 1985 handling and report .4 hrs Wahl) April 10, 1985 order and report .6 hrs Wahl) May 9-10 1985, handling and report to Whyte .1.1 hrs Wahl) May 17, 1985 handling with clerk of court of appeals .6 hrs Wahl) May 20,1985 hearing before Magistrate and report 1,1 hrs Wahl) July 23-24 1985 receipt of brief filing motioncalls to clerk 2.0 hrs Wahl) August 5 1985 handling with court and letter .5 hrs Wahl) August 5, 1985 receipt of Barrow's reply study and letter 1.1 hrs Wahl) August 8,1985 handling with counsel and letter .3 hrs Wahl) August 19, 1985 order and letter .3 hrs Wahl) August 16, 1985 order and letter .3 hrs Wahl) October 4 1985 clerk and letter .5 hrs Wahl) November 14, 1985 clerk and letter .3 hrs Wahl) January 6, 1986 receipt of Court of Appeals opinion study trip to courthouse preliminary work on motion 1.4 hrs Wahl) January 7, 1986 preparation of motion .9 hrs Wahl) January 8, 1986 filing motion and letter .4 hras Wahl.

$1,800.00

Januray 10, 1986

Morris Communications Corporation
P.O. Box 936
Augusta ,Georgia 30919

TO:
WAHL & GABLE P.A.
920 Barnett Bank Building
Jacksonville, Florida 32202

PROFESSIONAL SERVICES: to date for St Augustine Record since our atatement of April 29, 1985 in case of John G Barrow v Jack Reed et al, Case No 84-982-Civ-J-12, United States District Court, Middle District of Florida including May 9-10 1985, handling as to appeal to the Eleventh circuit 1.1 hrs Wahl) May 20, 1985 allocation of time on Magistrate's hearing and report 1.1 hrs Wahl) July 23, 1985 allocation of time for motions in court ofappeals, calls to clerk 2.0 hrs Wahl) August 2, 1985 handling with clerk and letter .9 hrs Wahl) August 5, 1985 handling letter, reply .5 hrs Wahl) October 4, 1985 handling with clerk and letter .3 hrs Wahl) October 16, 1985 order and letter .3 hrs Wahl) November 14, 1985 handling with clerk and letter ,3 hrs Wahl) January 6, 1986 receipt of opinion from court of appeals for the eleventh circuit trip to court, study 1.4 hrs Wahl) January 7, 1986 preparation of motion .9 hrs Wahl) January 8, 1986 letter completion of motion and filing .4 hrs Wahl)

$1,380.00

w-26.)

April 29, 1985

Morris Communications Corporation
P.O. Box 936
Augusta Georgia 30913

TO:
WAHL & GABLE P.A.
920 Barnett Bank Building
Jacksonville, Florida 32202

PROFESSIONAL SERVICES; to date for the St Augustine Record in case of John G Barrow Jr v Jack Reed et al Cae No 84-982-Civ-J-12 United States District Court Middle District of Florida including September 28, 1984, call from Simon,letters preparation of motions to dismiss et al, and sanctions Wahl) 2.3 hrs October 31, 1984 handling and letter to Employers Reinsurance Corp. Motion for sanctions Wahl) 1.2 hrs November 5, 1984 Barrow's motion and letter Wahl) . 4 hrs November 19, 1984 handling with Employers Reinsurance Corp. as to coverage Wahl) .5 hrs November 30, 1984 letters from Hudson and employers Reinsurance Corp study report Wahl) . 9 hrs December 11 1984 receipt of protective order letters and handling Wahl .8 hrs Correspondence with Hudson and Employers Reinsurance Corp dated December 20, 1984 Wahl) .5 hrs December 26,1984 handling with cocounsel and letter Wahl) .5 hrs January 29, 1985 handling with co-counsel and letter Wahl) .4 hrs April 10,1985 received order from Chief Judge Hodges enjoining Barrow and report Wahl .8 hrs

$1,245.00

w-27.)

April 25. 1985

AT&T Communications Inc

P.O. Box 7800
Atlanta, Georgia 30357

TO:
WAHL & GABLE P.A.
920 Barnett Bank Building
Jacksonville, Florida 32202

PROFESSIONAL SERVICES: in the Case of John G. Barrow Jr v American Telephone and Telegraph Company , Susan Black as an individual, and Harold B Wahl, as an individual, Case No 84-104-Civ-J-14 to dateincluding February 29, 1984,telephone conference with Ms Dreacher's office (Woodlief; .6 hrs March 1, 1984 receipt of Complaint telephone conference with Wahl work on motion to dismiss Woodlief) 2.1 hrs, March 5, 1984 research regarding case, review and revise motion to dismiss, telephone conference with Wahl, amend motion for attorney's fees Woodlief; 2.8 hrs March 6, 1984 handling as to motions and study of Amended Complaint Wahl) .9 hrs March 15, 1984 receipt of Barrow's response to motion to dismiss and letter Wahl) .6 hrs, April 6, 1984 transfer from Judge Melton to Judge Black (Wahl) .4 hrs May 1984, review of pleading filed by Barrow and letter Wahl) .5 hrs May 1, 1984 letter to Drescher (Wahl) .3 hrs May 14, 1984, letter to Drescher and handling (wahl) .4 hrs June 8,1984 telephone call and letter Wahl)

w-28.)

December 12, 1985

AT&T Communications Inc.
P.O. Box 7800
Atlanta, Georgia 30357

TO:

WAHL AND GABLE P.A
920 Barnett Bank Building
Jacksonville, Florida 32202

PROFESSIONAL SERVICES: since our statement of April 25, 1985 in the case of John G Barrow Jr v American Telephone and Telegraph Company et al U.S.D.C. CASE NO 84-104-Civ-J-10 U.S. Court of Appeal Case No 85-3360 including May 9, 1985 handling .5 hrs Wahl) May 13, 1985, letter .3 hrs Wahl) May 20, 1985 preparation for and attendance at hearing before Magistrate and make report 1.7 hrs, Wahl) July 5, 1985 telephone conference with clerk's office, telephone conference with co-defendant's attorney letter to Wahl) .7 hrs Wahl) July 10, 1985 receipt and review of respondant's motion to strike .6 hrs Woodlief August 2, 1985 report and review of Barrow's diatribe .9 hrs Wahl) August 6 1985 forwarding order .5 hrs Wahl) September 3 1985 receipt and forwarding of Barrow's response .8hrs Wahl) October 4,1985 handling and letter .4hrs Wahl) October 23, 1985 report .3 hrs Wahl) November 14, 1985 handling with clerk and report .5 hrs Wahl)

$1,231.00

DISBURSEMENTS:

Photocopies	$56.75
Long distance calls	5.45

(3)

Supreme Court, U.S.
FILED
JUL 26 1989
JOSEPH F. SPANIOL, JR.
CLERK

Case No. 88-1826

IN THE

Supreme Court of the United States

OCTOBER TERM 1988

JOHN G. BARROW, JR.,
Plaintiff / Appellant / Petitioner,

vs.

KING and HERBERT HANCOCK, et al,
Defendants / Appellees / Respondents.

ON WRIT OF CERTIORARI FROM THE U.S. COURT OF APPEALS, ELEVENTH CIRCUIT ATLANTA, GEORGIA

BRIEF IN OPPOSITION FOR RESPONDENTS OGLETHORPE POWER CORP. AND HUBERT H. HANCOCK

GREGORY A. PRESNELL, ESQUIRE
Counsel of Record
JEFFREY S. BADGLEY, ESQUIRE
AKERMAN, SENTERFITT & EIDSON
Firstate Tower, 10th floor
255 South Orange Avenue
Post Office Box 231
Orlando, Florida 32802
(407) 843-7860

Central Repro, Inc. Orlando, Florida 32801 (407) 843-0707

16 pp

QUESTION PRESENTED FOR REVIEW

Whether this Court should exercise its discretion to grant review on Writ of Certiorari where the Petition fails to allege a basis for such review and where the courts below properly ruled on the merits?

ALL PARTIES TO THE PROCEEDING IN THE COURT WHOSE JUDGMENT IS SOUGHT TO BE REVIEWED

1. John G. Barrow
   Plaintiff
2. Richard L. King
   Defendant
3. Hubert H. Hancock
   Defendant
4. Oglethorpe Power Corp.
   Defendant
5. J. J. Hudiberg
   Defendant
6. Florida Power & Light Company
   Defendant
7. Michael S. Mullin
   Defendant
8. Charles Pickett
   Defendant
9. Hazel Jones
   Defendant
10. Gene R. Blackweilder
    Defendant
11. John F. Claxton
    Defendant
12. James Testone
    Defendant
13. Douglas Jones
    Defendant
14. Jim MacLaughlin
    Defendant

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28 U.S.C. §1343 6

42 U.S.C. §1983 6

Rule 17, Rules of the Supreme Court of the United States 4, 5, 6, 10

Rule 8, Federal Rules of Civil Procedure 7, 9

Rule 12, Federal Rules of Civil Procedure 6,9

OPINIONS AND JUDGMENTS DELIVERED IN THE COURTS BELOW

The opinion of the Court of Appeals for the Eleventh Circuit and the Order of the district court dismissing Petitioner's Complaint are unpublished but have been filed with the court in respondent's lodging.

STATEMENT OF THE CASE

The plaintiff filed his initial Complaint on June 17, 1986, naming as defendants, Richard L. King, "Hubert H. Hancock Oglethorpe PR Corp.", and "J.J. Hudiberg, F.P. & L." (R. 1-1, L. 1). On July 14, 1986, a Motion to Dismiss and a Motion for Sanctions were filed on behalf of Hubert H. Hancock and Oglethorpe Power Corporation. (R. 1-8). The remaining defendants also filed Motions to Dismiss and the plaintiff filed responses. The plaintiff subsequently filed an Amended Complaint adding numerous additional defendants. (R. 1-22, L. 2).

On March 12, 1987, the Magistrate entered his Order of Report and Recommendation, recommending that the plaintiff's Amended Complaint be dismissed for failure to state a claim. (R. 2-49, L. 3). Additionally, the Magistrate determined that the Complaint had been filed for purposes of harassment and that sanctions under Rule 11 were appropriate.

The trial court, by Order dated April 15, 1987, adopted the Magistrate's recommendation that the case be dismissed and that sanctions of costs and attorneys' fees be assessed against the plaintiff. (R. 2-52, L. 4). The matter was again referred to the Magistrate to conduct further proceedings necessary to determine and recommend the appropriate amount of costs and attorneys' fees. (R2-52).

By Order dated May 11, 1987, the Magistrate ordered all interested parties to submit affidavits for attorneys' fees and costs. (R. 2-53). Defendants, Oglethorpe Power Corporation and Hubert H. Hancock, declined to assert a claim for attorneys' fees and costs against the plaintiff. (R.2-53). On January 26, 1988, Magistrate Schlesinger submitted a second Report and Recommendation, stating that no claims for Rule 11 sanctions had been asserted. (R.2-79). The

Magistrate recommended again that the case be dismissed. (R. 2-79). On April 5, 1988, the trial court entered an Order dismissing the case with prejudice. (R. 2-85, L. 5). On April 11, 1988, the plaintiff filed his Notice of Appeal. (R. 2-86, L. 6).

Following submission of Briefs by the parties, the eleventh circuit issued its Judgment, Mandate and a Brief Per Curiam Opinion affirming the trial court's judgment (L. 7). The panel affirmed the district court on the grounds that the Complaint failed to state any facts to support any violation of Petitioner's constitutional rights.

On May 11, 1989, Petitioner's Petition for Writ of Certiorari for review of the eleventh circuit's judgment was docketed in this court (L. 8).

SUMMARY OF ARGUMENT

Petitioner has failed to set forth any of the factors listed in Rule 17, Supreme Court Rules, to justify review by Writ of Certiorari in this court. The lower tribunals gave full and fair consideration to the Petitioner's arguments. Accordingly, this Court should decline to exercise jurisdiction over Petitioner's appeal.

REASONS FOR DENYING THE WRIT

I. PETITIONER FAILS TO SET FORTH A BASIS UNDER RULE 17, RULES OF THE SUPREME COURT OF THE UNITED STATES, FOR REVIEW BY WRIT OF CERTIORARI.

Rule 17 of the Supreme Court Rules sets forth the factors for determining whether a review by Writ of Certiorari is appropriate. The "special and important reasons" for which this court may exercise its discretion to grant a Writ of Certiorari for reviewing decisions of federal courts of appeal include:

a) When a federal court of appeals has rendered a decision in conflict with a decision of another federal court of appeals on the same matter;

b) When a federal court of appeals has decided a federal question in a way in conflict with a state court of last resort;

c) When a federal court of appeals has so far departed from the accepted and usual course of judicial proceedings as to call for an exercise of this Court's power of supervision;

d) When a federal court of appeals has decided an important question of federal law which has not been, but should be, settled by this court;

e) When a federal court of appeals has decided a federal question in a way in conflict with applicable decisions of this court.

Rule 17, Rules of the Supreme Court of the United States.

Petitioner asserts multifarious reasons why this Court should grant review of the decisions below. However, Petitioner fails to specify any of the factors set forth in Rule 17. Petitioner makes reference to several statutory provisions pertaining to the district court's original jurisdiction of this case, *i.e.*, 28 U.S.C. §1331, 28 U.S.C §1343; 42 U.S.C §1983. Of course, these are irrelevant to determining whether this Court should grant a Writ of Certiorari for review over the eleventh circuit's decision. Petitioner does assert that the eleventh circuit's decision is in conflict with decisions of other federal courts of appeal. However, he fails to specify any such decisions.

Even the most superficial review of Petitioner's acerbic prose shows that further review of this case is a waste of scarce judicial resources. The petition focuses primarily on Mr. Barrow's dissatisfaction with the Federal Rules of Civil Procedure, which permit the district court to dismiss a complaint for failure to state a claim under Rule 12 (b) (6), obviating the need of responsive pleadings, discovery or trial. The remainder of Petitioner's arguments consist of paranoiac accusations of judicial conspiracy, for which he faults his lack of success in setting forth a claim upon which relief can be granted.

Other than Petitioner's dissatisfaction with the due process afforded him by the Federal Rules of Civil Procedure and the courts below, the only question for consideration by this Court is whether the lower courts properly determined that Petitioner's Complaint failed to state a claim upon which relief can be granted.

II. THE COURTS BELOW CORRECTLY RULED THAT PETITIONER'S COMPLAINT FAILED TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED.

Although this court has, in the past, granted certiorari review to determine the adequacy of the allegations of the complaint, *Associated General Contractors v. Carpenters Union*, 459 U.S. 519, 103 S.Ct. 897, 74 L.Ed.2d 723 (1983), petitioner has already been afforded a full and fair opportunity to present his arguments in the courts below. Both courts correctly ruled that Petitioner's Complaint fails to state a claim.

Rule 8 (a) of the Federal Rules of Civil Procedure provides that a pleading must contain a short and plain statement regarding the following:

(1) the grounds upon which the court's jurisdiction depends;

(2) a claim showing that the pleader is entitled to relief; and

(3) a demand for the relief to which he deems himself entitled.

The Petitioner's Complaint fails to allege any of the elements necessary to state a claim for relief against Respondents Hancock and Oglethorpe. *See Windsor v. Pan American Airways*, 744 F. 2d 1187 (5th Cir. 1984).

Although unclear, Petitioner's argument can best be summarized as follows: Petitioner alleges that Respondents Richard King (hereinafter "King"), and others, acting under "color of law", have violated the Petitioner's Constitutional rights. Petitioner argues that King has misused Chapter 163 of the Florida Statutes, regarding land development, by refusing to issue a permit that would enable the provision of electric services to a potential lessee of property on Quail Road, near Callahan, Florida (hereinafter the "Property"). The Petitioner alleges in a conclusory manner that all of the Defendants are engaged in a conspiratorial scheme to restrict access to electricity.[1] The Petitioner argues that each of the Defendants could not achieve this objective acting independently.

The thrust of Petitioner's claim appears to be that the Respondents have unlawfully impeded the potential lessee's ability to obtain electricity. However, there is no allegation that either Respondents Hancock or Oglethorpe are authorized to provide electric sevice to the Property, have denied or refused electric service to the Petitioner or the Property, or that the Property is within Oglethorpe's service territory. Futhermore, there is no allegation that Respondents Hancock or Oglethorpe have committed any illegal, wrongful or improper act.

The federal courts have consistently required specificity in pleadings where a conspiracy to deprive the plaintiff of constitutional rights is charged. *See, e.g., Ostrer v. Aronwald*, 567 F. 2d 551 (2nd Cir. 1977); *Adelona v. Webster*, 654 F. Supp. 968 (D.C.N.Y. 1987). This rule applies equally to pleadings filed by a pro se plaintiff. *Jarrel v. Tisch*, 656 F.Supp. 237 (D.D.C. 1987). General averments of conspiracy or

---

[1] Through successive appeals, this conspiracy has enlarged to include all lawyers, judges, court personnel and other individuals whose efforts have frustrated Petitioner's ardent attempts to litigate in federal court.

collusion, without facts which constitute conspiracy or collusion, are conclusions of law and are insufficient to state a claim. *Kalmanovitz v. G. Heileman Brewing Co., Inc.*, 595 F.Supp. 1385 (D.C. Del. 1984), *aff'd*, 769 F.2d 152 (3rd Cir. 1985).

Further, there is no allegation that Petitioner individually owns the Property or has any other legitimate property interest therein to give him standing to sue. The Petitioner complains of the burdensome effect of the regulations on mobile home dwellers, "Home Folks", "Farmer's Children" and Blacks. The Petitioner does not, however, identify himself to be a member of any of these groups. Page six of the Amended Complaint generally alleges that he and his family suffer an injury exceeding $250,000.00. The precise nature of this injury and its connection with the Respondents' alleged wrongful acts is not explained.

As Petitioner has failed to allege any facts necessary to establish a claim for relief against Respondents Hancock and Oglethorpe under Rule 8(a) of the Federal Rules of Civil Procedure, the Complaint was properly dismissed under Rule 12(b).

CONCLUSION

Petitioner has failed to set forth any factors listed in Rule 17 of the Supreme Court Rules to justify review by certiorari. Furthermore, it is clear that the courts below rendered correct decisions on the merits. This Court should decline to exercise its jurisdiction to issue a Writ of Certiorari, thereby terminating Petitioner's vexatious use of the federal judicial system.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by United States mail, postage prepaid, this 21st day of July, 1989, to: Mr. John G. Barrow, Jr., Route 1 Box 470, Callahan, Florida 32011; Michael S. Mullin, Esquire, Post Office Box 1563, Fernandina Beach, Florida 32034, and Stephen H. Durant, Esquire and W. O. Birchfield, Esquire, of Martin, Ade, Birchfield & Johnson, 3000 Independent Square, Jacksonville, Florida 32202.

GREGORY A. PRESNELL, ESQUIRE
JEFFREY S. BADGLEY, ESQUIRE
AKERMAN, SENTERFITT & EIDSON
Firstate Tower, 10th Floor
255 South Orange Avenue
Post Office Box 231
Orlando, Florida 32802
(407) 843-7860

Supreme Court, U.S.
FILED
AUG 7 1989
SPANIOL, JR.
CLERK

Case Number

S. Ct. 88-1826

IN THE

United States SUPREME Court

1989 TERM

PETITIONER'S REPLY TO OGLETHORPE'S SECOND BRIEF

JOHN G. BARROW JR.
Plaintiff - Appellant - Petitioner
vs.
RICHARD L. KING et. al.
Defendant - Appellee - ~~Respondant~~
Counsel for Oglethorpe Pr. Corp. only Gregory A Pesanell P.O. Box 231 Orlando, Florida 32802. No other Defendant shows enough respect for U.S. Supreme Court to answer

ON WRIT OF CERTIORARI FROM THE U.S. COURT OF APPEALS, ELEVENTH CIRCUIT ATLANTA, GEORGIA

John G. Barrow Jr.
A Layman without legal education
Rt. 1 Box 470
Callahan, Florida 32011
(904) 845-2475

IN THE SUPREME COURT OF
THE UNITED STATES
WASHINGTON, D.C. 20543

BARROW V KING, et. al. S.Ct 88-1826

The Supreme Court Rule 22.5 provides for a Reply Brief addressed to Arguments First raised in the Brief in opposition. The Brief in opposition that has been received by this Petitioner violates virtually every rule in the S.Ct.Rule Book, more specifically Rule 33 through out. This Respondents Brief in Opposition does offer a Summary of Argument and none other.

1) In this Summary Respondent makes a Great Big Deal out of the fact that the U.S. S.Ct. Rule 17 is not recited word for word. This is very true !

2) Respondent raves on about the full and fair consideration to the Petitioner's Argument.(This is absolutely FALSE !) THIS IS JUST THE POINT, the sole reason

for the filing of said Petition for Writ of Certiorari was to convey to the High Tribunal;

1) That this Action has never gotten past the requirements of Federal Rules of Civil Procedure Rule 7(a).

2) That there also has never been any pretense of a hearing on the issues.

3) That the District Court and the Court of Appeals have no evidence adduced to them and can give no reason for the denial of even the consideration of the Federal Questions submitted.

4) That this Petitioner Solmnly prays to God Almighty that this is a departure from the usual course of Judicial proceedings. A Traitor convicted for treason would not be denied even to one day in Court.

5) Wherefore any reasonable thinking and reading community would easily understand that the 11th Circuit Court of

Appeals has sanctioned the Void Decision of Hodges which must be the Sanction of the District Court's departure in conflict with all other courts.
If the Supreme Court does Sanction (by its denial) the affirmed Void Decision this will have the effect of the Supreme Court itself rendering a decision in conflict with the decision of the Supreme Court itself. See: Morrissey v Brewer 91 S Ct. @ 2605;
" The decisionmaker's conclusion in written form, indicating the evidence and the reason relied upon"

From the day the Original Complaint was filed there has been no evidence allowed by the Court to be filed. How could the Supreme Court have had any evidence to rely upon ? So what can the reason be for this Court to Sanction the District Court's Void Decision, affirmed by Tjoflat and Hatchett, Wahl's Buddy Buddy of the Jacksonville Bar ?

Has the Supreme Court not been duly informed that the Federal Courts ARE NOT OPEN to this Petitioner ? I truly trust that this is a departure from the accepted and usual Course of Judicial proceedings and that the Supreme Court by its denial has in effect sanctioned the Void Decision by the 11th Circuit's affirmance and the District Court's of not allowing and providing for a fair and impartial trial by Jury as demanded, constantly. Should the World conclude that the Supreme court of these United States does intend to deny an open court to this Petitioner, then Article 1 Sec. 25 means absolutely nothing.

Article 1, Section 25 Provides:

" The courts shall be open to every person, for redress of any injury, and justice shall be administered without sale, denial or delay. "

a) Judge Hodges truly rendered his

decision WITHOUT A COURT OPEN to this Petitioner, and so did the 11th Circuit!

b) Judge Hodges truly DEPARTED FROM accepted and usual course of the court.

" Shall be open to every person".

c) Judge Tjoflat and Judge Hatchett has " so far sanctioned Judge Hodges departure from accepted and usual course of judicial proceedings as to create a begging Call for an exercise of the Court's power of supervision.

How can this Petitioner receive his day in Court.? An open forum before an impartial Judge ?

Before a Jury of his Peers ?

The Principal Issue in this Action is The Impairing of Obligation of Contract.

The Court of First Instance and the 11th Circuit did decide this important question of Federal Law by ignoring same.

The Method used,is that the Court HAS NOT BEEN OPEN to;

a) Any responsive pleadings. F.R.C.P. Rule 7(a).

b) Any hearing on the issues.

c) Any confrontation of witnesses.

d) Any jury.

e) Any open forum.

f) Any impartial Judge.

g) Evidence allowed to be filed.

ALL Respondents havein fact admitted to every allegation in the Complaint by his lack of denial in the Lower Court See: Fed. R. Civ. P. Rule 8 (b) and 8(d). The problem being that the Federal Rules do appear to govern no one except the Plaintiff-Appellant- Petitioner and none other.

The Court of First Instance and the 11th Circuit Court of Appeals have indeed, litterally Raped all aspects of the Supreme Court's Rule 17.

ADDITIONAL FEDERAL QUESTIONS

There are dozens of Federal Questions in the Complaint of this Action, filed in the United States Court. See: Chapter (b) of Petitioners Appendix, Page b- 1 thru page 56.

This Maze of Unconstitutional Ordinances

1. Regulating interstate electric energy by State Political Subdivisions.
2. Use of land back in the Wilderness — who can farm this land and who is denied.
3. Taking of property without full and just compensation, in fact, no compensation at all !
4. Arbitrary and unreasonable emplementation of these unconstitutional regulations by State Agency.
5. Denial of Civil Rights.

ALL OF THESE QUESTIONS THAT HAVE BEEN RAISED, ARE IGNORED.

This High Tribunal is invited to Notice that there are many, many parties to this Action, a partial list follows:

Richard L King, as an individual
Hancock/ Oglethrope
Huidberg/ Florida Power & Light Co.
Michael S Mullin as an individual
Charles Pickett as an individual
Hazel Jones as an individual
Gene R Blackwelder, as an individual
John F Claxton, as an individual
James Testone, as an individual
Douglas Jones as an individual
Joanne Kirkland, as an individual

a) Absolutely not one of these parties so much as filed a Responsive pleading to the Original Complaint or the Amended Complaint.

b) The Court of First Instance made their decision upon the whims of Hravey F Schlesinger's own " Say-so"

Absolutely no evidence has been allowed to be presented , absolutely none of the averments of the Complaint have been denied.

LITTLE OR NO RESPECT SHOWN
TO THIS SUPREME COURT OF THE
UNITED STATES.

In response to the Petitioner's Petition for Writ of Certiorari, of all of the many Defendants listed in the Complaint there is but one Respondent.
The Miserable Brief of Gregory A Persnell, who violates virtually every rule in the Supreme Court Rule Book.
If ever there was a maze of proceedings that was ;

1. In conflict with other Federal Court decisions.
2. Ignored Federal Questions.
3. Departed fron accepted and usual course of judicial proceedings.
4. Sanctioned such departures by the lower court.
5. And Begging for an exercise of this Court's Power of Supervision.

THIS IS IT !

This Petitioner would but skin his ignorance in any effort to persuade this High Tribunal to grant a Writ of Certiorari.

All that this Petitioner does ask is for these Great Scholars of the law, to search their Great Wisdoms in an effort to determine the specific evidence and the specific reason relied upon, making same known in written form so as to enlighten the World as to why the courts are no longer open to all persons?

The Reason why this Petitioner cannot be given a chance in open forum for redress of grievances,before an unbiased Judge ?

The Character of the more special reason to consider the granting of the Writ of Certiorari is found in absence of any denial of any averment in any Complaint. This admission of truth by the absence of any denial, cannot be hidden under the rug. It will not sleep !

A RENEWED DEMAND FOR A DAY IN COURT

The Record must show that pursuant to the Supreme Court Rule 17.1

(a) A review of Writ of Certiorari is not a matter of right.

(b) However, this absence of right to a review does not foreclose on the unquestionable duty of this High Tribunal of legal Might to uphold the Constitution.

(c) Article 1 Section 25 is a very important part of our Constitution and does provide that :" The Courts shall be open to every person for redress of any injury and justice shall be administered without sale, denial or delay"

(d) Judge Hodges slammed the doors shut on the Temple of Justice, so far as applies to this Petitioner. Check the Docket Sheet. This Petitioner again demands his day in court before an impartial Judge which this Petitioner has not been afforded.

Will this Honorable Court uphold our Constitution of these United States ?

Standing on all four legs of R-17 a Review on Writ of Certiorari, this Petitioner understands "is not a matter of right. but of judicial discretion!" This is ever so clearly understood. However, when this Petitioner has tried over and over and over, to explain to this Supreme Court that the record will prove that this Plaintiff- Appellant- Petitioner has not seen anything that resembles "a day in court", "an open forum" or "the Jury" that was demanded over and over and over, then there can be but one conclusion, that is, that the Supreme Court does not believe in Article One, Section 25 of the United States Constitution.- That The United States Supreme Court will not uphold the Constitution of these United States and that this Person will not witness an open forum for the redress of any injury and that justice is not administered

without sale, denial or delay.

To indicate the Character of the reasons begging for an exercise of this Supreme Courts Power of Supervision is the facts as follows

1. There has not been one Respondant in this Action that has filed an appearance in this appeal to this Supreme Court. In any event there has been no copy sent to this Petitioner.

In the above styled action there has been submitted by no Defendant No denial of any issue in the District Court, 11th Circuit or in the Supreme Court ! Not One !

In this above styled Action which has had absolutely no adjudication of any issue in either the Court of First Instance or the Court of Appeals, there has been no Due Process of law. U.S.C.A. Const. Amend 5 which constitutes a Void Decision and truly a departure from the accepted and usual

course of judicial proceedings.

It is well known to all the World that the 11th Circuit has sanctioned this departure by the lower Court.

The lower court has awarded well over $140 thousand dollars to Harold B Wahl and his co-horts by the District court.

In Jones v Bales 58 F.R.D. 453 463 (N.D. Ga 1972) affid 480 F 2d 805 (5th Cir 1973)

The 5th Circuit Holds:

" Pro se litigants are not subject to the usual incentives against filing repetitive, frivolous or malicious lawsuits. They " are immune from imposition of costs if they are unsuccessful; and because of their poverty, they are practically immune from later tort actions for malicious prosecution or abuse of process"

This excess of $140 Thousand $140,000.00 of terrorism American Style is truly a departure from Jones v Bales above, and has been affirmed and sanctioned by the 11th Circuit See: S.Ct. Rule 17 (a).

Now comes the United States Supreme Court which holds in:

Morrissey v Brewer 92 S Ct @ 2605

" Moreover, in each case the decision-maker must be impartial there must be some record of the proceedings and the decisionmaker's conclusions MUST BE SET FORTH IN WRITTEN FORM, indicating both the evidence and the reasons relied upon because the Due Process Clause requires these proceedings"

How can I explain to my grandchildren and my neighbors the evidence and the reasons relied upon for its denial by this Supreme Court which is in conflict with Morrissey v Brewer above ?

Is the Constitution really dead ?

Is there any way for this Petitioner to experience an Article One Section 25, Open Court before an unbiased judge and jury so as to provide for adjudication of the issues that have arisen ?

This is a Federal Question that a Federal Court of Appeals has decided to ignore and should be settled by the United States Supreme Court.

Still more departure from the accepted and usual course of judicial proceedings follows:

1. Federal Rules of Civil Procedure Rule 7(a) Mandates:
" There shall be a Complaint AND AN ANSWER To this date there has been no answer from any defendant. Whereupon the Clerk of the Court at the end of 20 days should have entered default of the various defendants.

2. FEDERAL RULES OF CIVIL PROCEDURE RULE 8

b) Defenses; Form of denial;

" A party shall state in short and plain terms his defenses to each claim asserted. and shall ADMIT or DENY the averments upon which the adverse party relies"

d) Effect of failure to deny;

" Averments in a pleading to which a responsive pleading is required other than those as to the amount of damage are admitted WHEN NOT DENIED in the responsive pleading"

There has been no responsive pleading.

These departures from the accepted and usual course of judicial proceedings have also been sanctioned by the 11th Circuit Court of Appeals , this too, does call for an exercise of this Court's Power of Supervision.

In The Court of First Instance, Hodges Consolidation of all cases filed by this Plaintiff, this was repugnant to Edwards v Du Pont De Memours 183 F 2d 165 , The Fifth Circuit Holds:

" It cannot deprive the plaintiff of his right to prosecute his suit to final determination in his own way"

Wherefore, Hodges consolidation of these cases was in conflict with Edwards v Du Pont et al. and the accepted and usual course of judicial proceedings.

Then the Defendants of all of these various cases simultaineously filed for Summary judgment in conflict with Whitaker v Coleman (C.C.A. 5th) 115 F 2d 305 illegally using said summary judgment as responsive pleadings and the lower court did by the use of the summary judgment as a catch penny contrivance operating to deprive this plaintiff a live trial , when in fact there was dozens upon top of dozens of genuine issues of material facts to be tried. The above, more departure from the accepted and usual course of judicial proceedings.

The Appendix to Oglethropes' Second Response violates Rule 33 just as atrociously , as did their First Brief and Appendix combination.

THE 11th CIRCUIT COURT OF APPEALS

Judge Tjoflat, Judge Johnson and Judge Hatchett in their affirming the decision of Schlesinger's erroneous allegations, couched on his own say-so admitted that they, the 11th Circuit did not understand all that they knew, which was nothing.

a) They did not understand --- "the judgment does not indicate."

b) They had no evidence and

c) They had no reason on which to couch their affirmance of the lower courts departure from accepted and usual course of judicial proceedings.

d) The 11th Circuit merely affirmed Schlesingers erroneous allegations what ever they were -- and what they were was not -- known to the Honorable 11th Circuit Judicial Panel.

e) Because of the 11th Circuits be-fuddlement of what ever the Schlesinger decision delivered to Hodges, who knew even less may have been the Great Judges Tjoflat and Judge Johnson and Judge Hatchett did in the name of justice affirm blindly Schlesingers heinously false allegations.

The affirmed decision of the 11th Circuit was cottoned to that which they did " Con strue" NOT BY ANY JUDICIAL WISDOM or by any other accepted and usual course of judicial proceedings. See Petitioners Appendix to Petition Page c-2.

IN THE UNITED STATES DISTRICT COURT

1) Based upon none of the Appellants pleadings.

2) Having heard not one issue.

3) Adjudicating not one of the issues that has arisen.

4) One Harvey E Schlesinger, did decide

a) All of the Federal Questions.

b) All of the issues on his own "say-so"

c) And did decide all relevant matters supplying his own evidence which is a departure from the accepted and usual course of proceedings.

5) One Federal Judge Hodges whom Petitioner has never seen and neither did Judge Hodges or Schlesinger have before him .

6) Then came the 11th Circuit who like Schlesinger and Judge Hodges did receive NO evidence and can give no judicial reason and does not have any jurisdiction of the subject matter because Judge Hodges or Schlesinger had NO one before them and the Wise Old Tjoflat, Johnsom, and Hatchett did sanction Schlesingers departure from the accepted and usual course of judicial proceedings.

In the District Court Judge Hodges the decisionmaker, using Schlesinger to handle the dirty stick and using Schlesinger's erroneous and sleazy allegations as a

substitute for the Plaintiffs complaint did put on record in written form his reason for his decision.

a) The plaintiffs written objection.

b) Hodges " Consideration" with no evidence presented or allowed to be presented as there has been no hearing HAD.

c) And "due consideration" 250 miles --- distant, Hodges has had no one before him, wherefore he has no jurisdiction of the person and this eleminates and forecloses upon jurisdiction of the subject-matter.

All of Hodges Jazz does constitute a departure from the accepted and usual course of judicial proceedings and the 11th Circuit court of Appeals has so far sanctioned all of Hodges romance and departure in the lower court.

The Chain reaction of Schlesingers no evidence and no reason to rely upon which in turn gave Hodges no evidence and no reason to rely upon which in turn gave

Tjoflat, Johhson and Hatchett absolutely no evidence and no reason to rely upon in making their decision.

If this Supreme Court of these United States will or will not exercise this Courts Power of Supervision, does face this Supreme Court.

The World anxiously awaits your Wise Decision.

AFFIDAVIT OF GOOD FAITH

Now Comes JOHN G BARROW JR, the Petitioner in this Action who demands to impress upon this Honorable Supreme Court of these United States of the pertinacious and obstinate facts that his honest intentions in this Cause of Action is only for the purpose of obtaining a Fair and Speedy administration of Justice.

I Hereby Certify this 1 st day of Aug.,1989 that I did furnish a true copy of the foregoing instrument to;

Gregory A Presnell P.O. Box 231 Orlando Florida 32802; Martin Ade, Birchfield and Johnson. P.O. Box 59 Jaclsonville, Florida 32201; Michael S Mullin 416 Centre Street Fernandina Beach, Florida 32034.

John G Barrow

JOHN G BARROW JR

ACKNOWLEDGMENT FOR PERSONS

STATE OF FLORIDA
COUNTY OF NASSAU

Before me personally appeared JOHN G BARROW Jr to me well known and known to me to be the person described in and who executed the foregoing instrument and acknowledged to and before me that he executed said instrument for the purposes therein expressed.

WITNESS My Hand and Official Seal this 1 st day of Aug., A.D. 1989.

Alma M. Barrow

ALMA M BARROW
Notary Public
State of Florida

My Commission expires

NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: NOV. 20. 1992.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

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